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Charles Sumner

THE

WORKS

OF

CHARLES SUMNER.

Veniet fortasse aliud tempus, dignius nostro, quo, debellatis odiis, veritas triumphabit. Hoc mecum opta, lector, et vale.

LEIBNITZ.

VOL. I.

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Believe me still, as I have ever been,
The steadfast lover of my fellow-men;
My weakness, love of holy liberty;
My crime, the wish that all mankind were free:
Free, not by blood; redeemed, but not by crime;
Each fetter broken, but in God's good time.

WHITTIER.

433494

NOTE.

In this collection the arrangement is strictly chronological. Every article will be found according to its date, without reference to the subject or occasion, thus showing the succession of efforts as they occurred.

CONTENTS OF VOLUME I.

PAGE

THE TRUE GRANDEUR OF NATIONS. An Oration before the Authorities of the City of Boston, July 4, 1845 5

TRIBUTE OF FRIENDSHIP: THE LATE JOSEPH STORY. Article from the Boston Daily Advertiser, September 16, 1845 133

THE WRONG OF SLAVERY. Speech at a Public Meeting in Faneuil Hall, Boston, against the Admission of Texas as a Slave State, November 4, 1845 149

EQUAL RIGHTS IN THE LECTURE-ROOM. Letter to the Committee of the New Bedford Lyceum, November 29, 1845 160

PRISONS AND PRISON DISCIPLINE. Article from the Christian Examiner, January, 1846 163

THE EMPLOYMENT OF TIME. Lecture before the Boston Lyceum, delivered in the Federal Street Theatre, February 18, 1846 . . 184

BIOGRAPHICAL SKETCH OF THE LATE JOHN PICKERING. Article in the Law Reporter of June, 1846 214

THE SCHOLAR, THE JURIST, THE ARTIST, THE PHILANTHROPIST. An Oration before the Phi Beta Kappa Society of Harvard University, at their Anniversary, August 27, 1846 241

ANTISLAVERY DUTIES OF THE WHIG PARTY. Speech at the Whig State Convention of Massachusetts, in Faneuil Hall, Boston, September 23, 1846 303

WRONGFUL DECLARATION OF WAR AGAINST MEXICO. Letter to Hon. Robert C. Winthrop, Representative in Congress from Boston, October 25, 1846 317

REFUSAL TO BE A CANDIDATE FOR CONGRESS. Notice in the Boston Papers, October 31, 1846 330

PAGE

SLAVERY AND THE MEXICAN WAR. Speech at a Public Meeting in the Tremont Temple, Boston, November 5, 1846 . . . 333

INVALIDITY OF ENLISTMENTS IN THE MASSACHUSETTS REGIMENT OF VOLUNTEERS FOR THE MEXICAN WAR. Argument before the Supreme Court of Massachusetts, January, 1847 . . . 352

WITHDRAWAL OF AMERICAN TROOPS FROM MEXICO. Speech at a Public Meeting in Faneuil Hall, Boston, February 4, 1847 . . 374

WHITE SLAVERY IN THE BARBARY STATES. A Lecture before the Boston Mercantile Library Association, February 17, 1847 . . 383

RIVAL SYSTEMS OF PRISON DISCIPLINE. Speech before the Boston Prison Discipline Society, at the Tremont Temple, June 18, 1847 . 486

THE LATE JOSEPH LEWIS STACKPOLE, ESQ. Article in the Boston Daily Advertiser, July 23, 1847 533

THE TRUE GRANDEUR OF NATIONS.

An Oration before the Authorities of the City of Boston, July 4, 1845.

O, yet a nobler task awaits thy hand,
(For what can war but endless war still breed?)
Till truth and right from violence be freed.

Milton, *Sonnet to Fairfax.*

Pax optima rerum
Quas homini novisse datum est; pax una triumphis
Innumeris potior; pax custodire salutem
Et cives æquare potens.

SILIUS ITALICUS, *Punica*, Lib. XI. vv. 592–595.

Sed majoris est gloriæ *ipsa bella verbo occidere* quam homines ferro, et acquirere vel obtinere pacem pace, non bello. — AUGUSTINI *Epistola* CCLXII., *ad Darium Comitem*.

Certainly, if all who look upon themselves as men, not so much from the shape of their bodies as because they are endowed with reason, would listen awhile unto Christ's wholesome and peaceable decrees, and not, puffed up with arrogance and conceit, rather believe their own opinions than his admonitions, the whole world long ago (turning the use of iron into milder works) should have lived in most quiet tranquillity, and have met together in a firm and indissoluble league of most safe concord. — ARNOBIUS AFER, *Adversus Gentes*, Lib. I. c. 6.

And so for the first time [three hundred years after the Christian era] the meek and peaceful Jesus became a God of Battle, and the cross, the holy sign of Christian redemption, a banner of bloody strife. This irreconcilable incongruity between the symbol of universal peace and the horrors of war, in my judgment, is conclusive against the miraculous or supernatural character of the transaction [the vision of Constantine]. — I was agreeably surprised to find that Mosheim concurred in these sentiments, for which I will readily encounter the charge of Quakerism. — MILMAN, *History of Christianity*, Book III. chap. 1.

When you see fighting, be peaceable; for a peaceable disposition shuts the door of contention. Oppose kindness to perverseness; the sharp sword will not cut soft silk. By using sweet words and gentleness you may lead an elephant with a hair. — SAADI, *The Gulistan*, translated by Francis Gladwin, Chap. III. Tale 28.

Si l'on vous disait que tous les chats d'un grand pays se sont assemblés par milliers dans une plaine, et qu'après avoir miaulé tout leur saoul, ils se sont jetés avec fureur les uns sur les autres, et ont joué ensemble de la dent et de la griffe, que de cette mêlée il est demeuré de part et d'autre neuf à dix mille chats sur la place, qui ont infecté l'air à dix lieues de là par leur puanteur, ne diriez-vous pas, " Voilà le plus abominable sabbat dont on ait jamais ouï parler "? Et si les loups en faisaient de même, quels hurlements! quelle boucherie! Et si les uns ou les autres vous disaient *qu'ils aiment la gloire*, ... ne ririez-vous pas de tout votre cœur de l'ingénuité de ces pauvres bêtes? — LA BRUYÈRE, *Les Caractères : Des Jugements*.

He was disposed to dissent from the maxim, which had of late years received very general assent, that the best security for the continuance of peace was to be prepared for war. That was a maxim which might have been applied to the nations of antiquity, and to society in a comparatively barbarous and uncivilized state. . . . . Men, when they adopted such a maxim, and made large preparations in time of peace that would be sufficient in time of war, were apt to be influenced by the desire to put their efficiency to the test, that all their great preparations and the result of their toil and expense might not be thrown away. — Earl of Aberdeen, *Hansard's Parliamentary Debates*, July 20, 1849.

Bellum para, si pacem velis, was a maxim regarded by many as containing an incontestable truth. It was one, in his opinion, to be received with great caution, and admitting of much qualification. . . . . We should best consult the true interests of the country by husbanding our resources in a time of peace, and, instead of a lavish expenditure on all the means of defence, by placing some trust in the latent and dormant energies of the nation. — Sir Robert Peel, *Hansard's Parliamentary Debates*, March 12, 1850.

Let us terminate this disastrous system of rival expenditure, and mutually agree, with no hypocrisy, but in a manner and under circumstances which can admit of no doubt, — by a reduction of armaments, — that peace is really our policy. — Mr. D'Israeli, *Hansard's Parliamentary Debates*, July 21, 1859.

All high titles of honor come hitherto from fighting. Your *Herzog* (Duke, *Dux*) is Leader of Armies; your Earl (*Jarl*) is Strong Man; your Marshal, Cavalry Horseshoer. A Millennium, or Reign of Peace and Wisdom, having from of old been prophesied, and becoming now daily more and more indubitable, may it not be apprehended that such fighting titles will cease to be palatable, and new and higher need to be devised? — Carlyle, *Sartor Resartus*, Book III. chap. 7.

After the memorable conflict of June, 1848, in which, as *Chef de Bataillon*, he [Ary Scheffer] had shown a capacity for military conduct not less remarked than his cool courage, General Changarnier, then commanding the National Guard of Paris, tendered to Scheffer's acceptance the cross of *Commandeur*. He replied, "Had this honorable distinction been offered to me in my quality of Artist, and as a recognition of the merit of my works, I should receive it with deference and satisfaction. But to carry about me a decoration reminding me only of the horrors of civil war is what I cannot consent to do." — Ary Scheffer, *Life by Mrs. Grote*, Appendix.

Additional examples and illustrations have been introduced into this Oration since its publication, but the argument and substance remain the same. It was at the time the occasion of considerable controversy, and many were disturbed by what Mr. Sumner called his *Declaration of War against War*. This showed itself at the dinner in Faneuil Hall immediately after the delivery. There was friendly dissent also, as appears from the letters of Judge Story and Mr. Prescott, which will be found in the biographies of those eminent persons. A letter from John A. Andrew, afterwards the distinguished Governor of Massachusetts, shows the completeness of his sympathy. "You will allow me to say, I hope," he writes, "that I have read the Oration with a satisfaction only equalled by that with which I heard you on the 4th July. And while I thank you a thousand times for the choice you made of a topic, as well as for the fidelity and brilliant ability which you brought to its illustration, (both, to my mind, defying the most carping criticism,) I cannot help expressing also my gratitude to Providence, that here, in our city of Boston, one has at last stepped forward to consecrate to celestial hopes the day — the great day — which Americans have at best heretofore held sacred only to memory."

The Oration was noticed extensively at home and abroad. Two or more editions were printed by the City Government, one by the booksellers, Messrs. W. D. Ticknor & Co., and several by the American Peace Society, which has recently issued another, making a small volume. Another edition appeared in London. Portions have been printed and circulated as tracts. There was also an abridgment in Philadelphia, edited by Professor Charles D. Cleveland, and another in Liverpool, by Mr. Richard Rathbone.

ORATION.

IN accordance with uninterrupted usage, on this Sabbath of the Nation, we have put aside our daily cares, and seized a respite from the never-ending toils of life, to meet in gladness and congratulation, mindful of the blessings transmitted from the Past, mindful also, I trust, of our duties to the Present and the Future.

All hearts turn first to the Fathers of the Republic. Their venerable forms rise before us, in the procession of successive generations. They come from the frozen rock of Plymouth, from the wasted bands of Raleigh, from the heavenly companionship of Penn, from the anxious councils of the Revolution, — from all those fields of sacrifice, where, in obedience to the spirit of their age, they sealed their devotion to duty with their blood. They say to us, their children, "Cease to vaunt what you do, and what has been done for you Learn to walk meekly and to think humbly. Cultivate habits of self-sacrifice. Never aim at what is not RIGHT, persuaded that without this every possession and all knowledge will become an evil and a shame. And may these words of ours be ever in your minds! Strive to increase the inheritance we have bequeathed to you, — bearing in mind always, that, if we excel you in virtue, such a vic-

tory will be to us a mortification, while defeat will bring happiness. In this way you may conquer us. Nothing is more shameful for a man than a claim to esteem, not on his own merits, but on the fame of his ancestors. The glory of the fathers is doubtless to their children a most precious treasure; but to enjoy it without transmission to the next generation, and without addition, is the extreme of ignominy. Following these counsels, when your days on earth are finished, you will come to join us, and we shall receive you as friend receives friend; but if you neglect our words, expect no happy greeting from us." [1]

Honor to the memory of our fathers! May the turf lie lightly on their sacred graves! Not in words only, but in deeds also, let us testify our reverence for their name, imitating what in them was lofty, pure, and good, learning from them to bear hardship and privation. May we, who now reap in strength what they sowed in weakness, augment the inheritance we have received! To this end, we must not fold our hands in slumber, nor abide content with the past. To each generation is appointed its peculiar task; nor does the heart which responds to the call of duty find rest except in the grave.

Be ours the task now in the order of Providence cast upon us. And what is this duty? What can we do to make our coming welcome to our fathers in the skies, and draw to our memory hereafter the homage of a grateful posterity? How add to the inheritance received? The answer must interest all, particularly on

[1] This is borrowed almost literally from the words attributed by Plato to the Fathers of Athens, in the beautiful funeral discourse of the Menexenus.

this festival, when we celebrate the Nativity of the Republic. It well becomes the patriot citizen, on this anniversary, to consider the national character, and how it may be advanced, — as the good man dedicates his birthday to meditation on his life, and to resolutions of improvement. Avoiding, then, all exultation in the abounding prosperity of the land, and in that freedom whose influence is widening to the uttermost circles of the earth, I would turn attention to the character of our country, and humbly endeavor to learn what must be done that the Republic may best secure the welfare of the people committed to its care, — that it may perform its part in the world's history, — that it may fulfil the aspirations of generous hearts, — and, practising that righteousness which exalteth a nation, attain to the elevation of True Grandeur.

With this aim, and believing that I can in no other way so fitly fulfil the trust reposed in me to-day, I purpose to consider *what, in our age, are the true objects of national ambition, — what is truly National Honor, National Glory,* — WHAT IS THE TRUE GRANDEUR OF NATIONS. I would not depart from the modesty that becomes me, yet I am not without hope that I may do something to rescue these terms, now so powerful over the minds of men, from mistaken objects, especially from deeds of war, and the extension of empire, that they may be applied to works of justice and beneficence, which are better than war or empire.

The subject may be novel, on an occasion like the present; but it is comprehensive, and of transcendent importance. It raises us to the contemplation of things not temporary or local, but belonging to all ages and

countries, — things lofty as Truth, universal as Humanity. Nay, more; it practically concerns the general welfare, not only of our own cherished Republic, but of the whole Federation of Nations. It has an urgent interest from transactions in which we are now unhappily involved. By an act of unjust legislation, extending our power over Texas, peace with Mexico is endangered, — while, by petulant assertion of a disputed claim to a remote territory beyond the Rocky Mountains, ancient fires of hostile strife are kindled anew on the hearth of our mother country. Mexico and England both avow the determination to vindicate what is called the *National Honor;* and our Government calmly contemplates the dread Arbitrament of War, provided it cannot obtain what is called an honorable peace.

Far from our nation and our age be the sin and shame of contests hateful in the sight of God and all good men, having their origin in no righteous sentiment, no true love of country, no generous thirst for fame, "that last infirmity of noble mind," but springing manifestly from an ignorant and ignoble passion for new territory, strengthened, in our case, in a republic whose star is Liberty, by unnatural desire to add new links in chains destined yet to fall from the limbs of the unhappy slave! In such contests God has no attribute which can join with us. Who believes that the national honor would be promoted by a war with Mexico or a war with England? What just man would sacrifice a single human life to bring under our rule both Texas and Oregon? An ancient Roman, ignorant of Christian truth, touched only by the relation of fellow-countryman, and not of fellow-man, said, as he turned

aside from a career of Asiatic conquest, that he would rather save the life of a single citizen than win to his power all the dominions of Mithridates.[1]

A war with Mexico would be mean and cowardly; with England it would be bold at least, though parricidal. The heart sickens at the murderous attack upon an enemy distracted by civil feud, weak at home, impotent abroad; but it recoils in horror from the deadly shock between children of a common ancestry, speaking the same language, soothed in infancy by the same words of love and tenderness, and hardened into vigorous manhood under the bracing influence of institutions instinct with the same vital breath of freedom. The Roman historian has aptly pictured this unnatural combat. Rarely do words of the past so justly describe the present. *Curam acuebat, quod adversus Latinos bellandum erat, lingua, moribus, armorum genere, institutis ante omnia militaribus congruentes: milites militibus, centurionibus centuriones, tribuni tribunis compares collegæque, iisdem præsidiis, sæpe iisdem manipulis permixti fuerant.*[2]

Can there be in our age any peace that is not honorable, any war that is not dishonorable? The true honor of a nation is conspicuous only in deeds of justice and beneficence, securing and advancing human happiness. In the clear eye of that Christian judgment which must yet prevail, vain are the victories of War, infamous its spoils. He is the benefactor, and worthy of honor, who carries comfort to wretchedness, dries the tear of sorrow, relieves the unfortunate, feeds the hungry, clothes the naked, does justice, enlightens the ignorant, unfastens the fetters of

[1] Plutarch, *Lucullus*, Cap. VIII.

[2] Livy, Hist., Lib. VIII. c. 6.

the slave, and finally, by virtuous genius, in art, literature, science, enlivens and exalts the hours of life, or, by generous example, inspires a love for God and man. This is the Christian hero; this is the man of honor in a Christian land. He is no benefactor, nor worthy of honor, whatever his worldly renown, whose life is absorbed in feats of brute force, who renounces the great law of Christian brotherhood, whose vocation is blood. Well may old Sir Thomas Browne exclaim, "The world does not know its greatest men!" — for thus far it has chiefly honored the violent brood of Battle, armed men springing up from the dragon's teeth sown by Hate, and cared little for the truly good men, children of Love, guiltless of their country's blood, whose steps on earth are noiseless as an angel's wing.

It will not be disguised that this standard differs from that of the world even in our day. The voice of man is yet given to martial praise, and the honors of victory are chanted even by the lips of woman. The mother, rocking the infant on her knee, stamps the images of War upon his tender mind, at that age more impressible than wax; she nurses his slumber with its music, pleases his waking hours with its stories, and selects for his playthings the plume and the sword. From the child is formed the man; and who can weigh the influence of a mother's spirit on the opinions of his life? The mind which trains the child is like a hand at the end of a long lever; a gentle effort suffices to heave the enormous weight of succeeding years. As the boy advances to youth, he is fed like Achilles, not on honey and milk only, but on bears' marrow and lions' hearts. He draws the nutriment of his soul from a literature whose beautiful fields are moistened by human

blood. Fain would I offer my tribute to the Father of Poetry, standing with harp of immortal melody on the misty mountain-top of distant Antiquity, — to those stories of courage and sacrifice which emblazon the annals of Greece and Rome, — to the fulminations of Demosthènes and the splendors of Tully, — to the sweet verse of Virgil and the poetic prose of Livy; fain would I offer my tribute to the new literature, which shot up in modern times as a vigorous forest from the burnt site of ancient woods, — to the passionate song of the Troubadour in France and the Minnesinger in Germany, — to the thrilling ballad of Spain and the delicate music of the Italian lyre: but from all these has breathed the breath of War, that has swept the heart-strings of men in all the thronging generations.

And when the youth becomes a man, his country invites his service in war, and holds before his bewildered imagination the prizes of worldly honor. For him the pen of the historian and the verse of the poet. His soul is taught to swell at the thought that he, too, is a soldier, — that his name shall be entered on the list of those who have borne arms for their country; and perhaps he dreams that he, too, may sleep, like the Great Captain of Spain, with a hundred trophies over his grave. The law of the land throws its sanction over this frenzy. The contagion spreads beyond those subject to positive obligation. Peaceful citizens volunteer to appear as soldiers, and affect, in dress, arms, and deportment, what is called the "pride, pomp, and circumstance of glorious war." The ear-piercing fife has today filled our streets, and we have come to this church, on this National Sabbath, by the thump of drum and with the parade of bristling bayonets.

It is not strange, then, that the Spirit of War still finds a home among us, nor that its honors continue to be regarded. All this may seem to illustrate the bitter philosophy of Hobbes, declaring that the natural state of mankind is War, and to sustain the exulting language of the soldier in our own day, when he wrote, "War is the condition of this world. From man to the smallest insect, all are at strife; and the glory of arms, which cannot be obtained without the exercise of honor, fortitude, courage, obedience, modesty, and temperance, excites the brave man's patriotism, and is a chastening corrective for the rich man's pride."[1] This is broad and bold. In madder mood, another British general is reported as saying, "Why, man, do you know that a grenadier is the *greatest character* in this world," — and after a moment's pause, with the added emphasis of an oath, "and, I believe, in the next, too."[2] All these spoke in harmony. If one is true, all are true. A French voice has struck another note, chanting nothing less than the divinity of war, hailing it as "divine" in itself, — "divine" in its consequences, — "divine" in mysterious glory and seductive attraction, — "divine" in the manner of its declaration, — "divine" in the results obtained, — "divine" in the undefinable force by which its triumph is determined;[3] and the whole earth, continually imbibing blood, is nothing but an immense altar, where life is immolated without end, without measure, without respite. But this oracle is not saved from rejection even by the magistral style in which it is delivered.

[1] Napier, Peninsular War, Book XXIV. ch. 6, Vol. VI. p. 688.

[2] Southey, Colloquies on the Progress and Prospects of Society, Coll. VIII., Vol. I. p. 211.

[3] Joseph de Maistre, Soirées de Saint-Pétersbourg, Tom. II. pp. 27, 32 – 35.

Alas! in the existing attitude of nations, the infidel philosopher and the rhetorical soldier, to say nothing of the giddy general and the French priest of Mars, find too much support for a theory which degrades human nature and insults the goodness of God. It is true that in us are impulses unhappily tending to strife. Propensities possessed in common with the beast, if not subordinated to what in man is human, almost divine, will break forth in outrage. This is the predominance of the animal. Hence wars and fightings, with the false glory which crowns such barbarism. But the true civilization of nations, as of individuals, is determined by the extent to which these evil dispositions are restrained. Nor does the teacher ever more truly perform his high office than when, recognizing the supremacy of the moral and intellectual, he calls upon nations, as upon individuals, to declare independence of the bestial, to abandon practices founded on this part of our nature, and in every way to beat down that brutal spirit which is the Genius of War. In making this appeal, he will be startled as he learns, that, while the municipal law of each Christian nation, discarding the Arbitrament of Force, provides a judicial tribunal for the determination of controversies between individuals, International Law expressly *establishes* the Arbitrament of War for the determination of controversies between nations.

Here, then, in unfolding the True Grandeur of Nations, we encounter a practice, or *custom*, sanctioned by the Law of Nations, and constituting a part of that law, which exists in defiance of principles such as no individuals can disown. If it is wrong and inglorious when individuals *consent and agree* to determine their petty

controversies by combat, it must be equally wrong and inglorious when nations *consent and agree* to determine their vaster controversies by combat. Here is a positive, precise, and specific evil, of gigantic proportions, inconsistent with what is truly honorable, making within the sphere of its influence all true grandeur impossible, which, instead of proceeding from some uncontrollable impulse of our nature, is *expressly established and organized by law.*

As all citizens are parties to Municipal Law, and responsible for its institutions, so are all the Christian nations parties to International Law, and responsible for its provisions. By recognizing these provisions, nations *consent and agree* beforehand to the Arbitrament of War, precisely as citizens, by recognizing Trial by Jury, *consent and agree* beforehand to the latter tribunal. As, to comprehend the true nature of Trial by Jury, we first repair to the Municipal Law by which it is established, so, to comprehend the true nature of the Arbitrament of War, we must first repair to the Law of Nations.

Writers of genius and learning have defined this arbitrament, and laid down the rules by which it is governed, constituting a complex code, with innumerable subtile provisions regulating the resort to it and the manner in which it must be conducted, called the *Laws of War.* In these quarters we catch our first authentic glimpses of its folly and wickedness. According to Lord Bacon, whose authority is always great, "Wars are no massacres and confusions, but they are the highest *Trials of Right*, when princes and states, that acknowledge no superior upon earth, shall put themselves upon the justice of God *for the deciding of their*

controversies by such success as it shall please him to give on either side."[1] This definition of the English philosopher is adopted by the American jurist, Chancellor Kent, in his Commentaries on American Law.[2] The Swiss publicist, Vattel, whose work is accepted as an important repository of the Law of Nations, defines War as "that state in which a nation *prosecutes its right by force*."[3] In this he very nearly follows the eminent Dutch authority, Bynkershoek, who says, "Bellum est eorum, qui suæ potestatis sunt, *juris sui persequendi ergo,* concertatio per vim vel dolum."[4] Mr. Whewell, who has done so much to illustrate philosophy in all its departments, says, in his recent work on the Elements of Morality and Polity, "Though war is appealed to, because there is no other ULTIMATE TRIBUNAL to which states can have recourse, *it is appealed to for justice.*"[5] And in our country, Dr. Lieber says, in a work of learning and sagacious thought, that war is undertaken "in order to obtain right,"[6] — a definition which hardly differs in form from those of Vattel and Bynkershoek.

In accordance with these texts, I would now define the evil which I arraign. *War is a public armed contest between nations, under the sanction of International Law, to establish* JUSTICE *between them:* as, for instance, to determine a disputed boundary, the title to territory, or a claim for damages.

This definition is confined to contests between nations.

1 Observations upon a Libel, etc., Works, Vol. III. p. 40.
2 Lecture III., Vol. I. p. 45.
3 Book III. ch. 1, sec. 1.
4 Quæst. Jur. Pub., Lib. I. cap. 1.
5 Book VI. ch. 2. art. 1146.
6 Political Ethics, Book VII. sec. 19, Vol. II. p. 643.

It is restricted to International War, carefully excluding the question, often agitated, concerning the right of revolution, and that other question, on which friends of peace sometimes differ, the right of personal self-defence. It does not in any way throw doubt on the employment of force in the administration of justice or the conservation of domestic quiet.

It is true that the term *defensive* is always applied to wars in our day. And it is creditable to the moral sense that nations are constrained to allege this seeming excuse, although its absurdity is apparent in the equal pretensions of the two belligerents, each claiming to act on the defensive. It is unreasonable to suppose that war can arise in the present age, under the sanctions of International Law, except to determine an *asserted right.* Whatever its character in periods of barbarism, or when invoked to repel an incursion of robbers or pirates, "enemies of the human race," war becomes in our day, *among all the nations parties to existing International Law,* simply a mode of litigation, or of deciding a *lis pendens.* It is a mere TRIAL OF RIGHT, an appeal for justice to force. The wars now lowering from Mexico and England are of this character. On the one side, we assert a *title* to Texas, *which is disputed;* on the other, we assert a *title* to Oregon, *which is disputed.* Only according to "martial logic," or the "flash language" of a dishonest patriotism, can the Ordeal by Battle be regarded in these causes, on either side, as *Defensive War.* Nor did the threatened war with France in 1834 promise to assume any different character. Its professed object was to obtain the payment of five million dollars, — in other words, to determine by this *Ultimate*

Tribunal a simple question of justice. And going back still farther in our history, the avowed purpose of the war against Great Britain in 1812 was to obtain from the latter power an abandonment of the claim to search American vessels. Unrighteous as was this claim, it is plain that war here was invoked only as a *Trial of Right.*

It forms no part of my purpose to consider individual wars in the past, except so far as necessary by way of example. My aim is higher. I wish to expose an irrational, cruel, and impious *custom*, sanctioned by the Law of Nations. On this account I resort to that supreme law for the definition on which I plant myself in the effort I now make.

After considering, in succession, *first*, the character of war, *secondly*, the miseries it produces, and, *thirdly*, its utter and pitiful insufficiency, as a mode of determining justice, we shall be able to decide, strictly and logically, whether it must not be ranked as crime, from which no true honor can spring to individuals or nations. To appreciate this evil, and the necessity for its overthrow, it will be our duty, *fourthly*, to consider in succession the various prejudices by which it is sustained, ending with that prejudice, so gigantic and all-embracing, at whose command uncounted sums are madly diverted from purposes of peace to preparations for war. The whole subject is infinitely practical, while the concluding division shows how the public treasury may be relieved, and new means secured for human advancement.

I.

First, as to the essential character and root of war, or that part of our nature whence it proceeds. Listen to the voice from the ancient poet of Bœotian Ascra:—

> "This is the law for mortals, ordained by the Ruler of Heaven:
> Fishes and beasts and birds of the air devour each other;
> JUSTICE *dwells not among them: only to* MAN *has he given*
> JUSTICE *the Highest and Best.*"[1]

These words of old Hesiod exhibit the distinction between man and beast; but this very distinction belongs to the present discussion. The idea rises to the mind at once, that war is a resort to brute force, where nations strive to overpower each other. Reason, and the divine part of our nature, where alone we differ from the beast, where alone we approach the Divinity, where alone are the elements of that *justice* which is the professed object of war, are rudely dethroned. For the time men adopt the nature of beasts, emulating their ferocity, like them rejoicing in blood, and with lion's paw clutching an asserted right. Though in more recent days this character is somewhat disguised by the skill and knowledge employed, war is still the same, only more destructive from the genius and intellect which have become its servants. The primitive poets, in the unconscious simplicity of the world's childhood, make this boldly apparent. The heroes of Homer are likened to animals in ungovernable fury, or to things devoid of reason or affection. Menelaus presses his

[1] Hesiod, Works and Days, vv. 276–279. Cicero also says, "Neque ulla re longius absumus a natura ferarum, in quibus inesse fortitudinem sæpe dicimus, ut in equis, in leonibus; justitiam, æquitatem, bonitatem non dicimus." — De Offic., Lib. I. cap. 16.

way through the crowd "like a wild beast." Sarpedon is aroused against the Argives, "as a lion against the crooked-horned oxen," and afterwards rushes forward "like a lion nurtured on the mountains, for a long time famished for want of flesh, but whose courage impels him to attack even the well-guarded sheep-fold." In one and the same passage, the great Telamonian Ajax is "wild beast," "tawny lion," and "dull ass"; and all the Greek chiefs, the flower of the camp, are ranged about Diomed, "like raw-eating lions, or wild-boars, whose strength is irresistible." Even Hector, the model hero, with all the virtues of war, is praised as "tamer of horses"; and one of his renowned feats in battle, indicating brute strength only, is where he takes up and hurls a stone which two of our strongest men could not easily lift into a wagon; and he drives over dead bodies and shields, while the axle is defiled by gore, and the guard about the seat is sprinkled from the horses' hoofs and the tires of the wheels;[1] and in that most admired passage of ancient literature, before returning his child, the young Astyanax, to the arms of the wife he is about to leave, this hero of war invokes the gods for a single blessing on the boy's head, — "that he may excel his father, and bring home *bloody spoils*, his enemy being slain, and *so make glad the heart of his mother!*"

From early fields of modern literature, as from those of antiquity, might be gathered similar illustrations, showing the unconscious degradation of the soldier, in vain pursuit of *justice*, renouncing the human character,

[1] Little better than Trojan Hector was the "great" Condé ranging over the field and exulting in the blood of the enemy, which defiled his sword-arm to the elbow. — Mahon, Essai sur la Vie du Grand Condé, p. 60.

to assume that of brute. Bayard, the exemplar of chivalry, with a name always on the lips of its votaries, was described by the qualities of beasts, being, according to his admirers, *ram in attack, wild-boar in defence, and wolf in flight.* Henry the Fifth, as represented by our own Shakespeare, in the spirit-stirring appeal to his troops exclaims, —

> "When the blast of war blows in our ears,
> *Then imitate the action of the tiger.*"

This is plain and frank, revealing the true character of war.

I need not dwell on the moral debasement that must ensue. Passions, like so many bloodhounds, are unleashed and suffered to rage. Crimes filling our prisons stalk abroad in the soldier's garb, unwhipped of justice. Murder, robbery, rape, arson, are the sports of this fiendish Saturnalia, when

> "The gates of mercy shall be all shut up,
> And the fleshed soldier, rough and hard of heart,
> In liberty of bloody hand shall range
> *With conscience wide as hell.*"

By a bold, but truthful touch, Shakespeare thus pictures the foul disfigurement which war produces in man, whose native capacities he describes in those beautiful words: "How noble in reason! how infinite in faculties! in form and moving how express and admirable! in action how like an angel! in apprehension how like a god!" And yet this nobility of reason, this infinitude of faculties, this marvel of form and motion, this nature so angelic, so godlike, are all, under the transforming power of War, lost in the action of the beast, or the license of the fleshed soldier with bloody hand and conscience wide as hell.

II.

The immediate effect of war is to sever all relations of friendship and commerce between the belligerent nations, and every individual thereof, impressing upon each citizen or subject the character of enemy. Imagine this instant change between England and the United States. The innumerable ships of the two countries, the white doves of commerce, bearing the olive of peace, are driven from the sea, or turned from peaceful purposes to be ministers of destruction; the threads of social and business intercourse, so carefully woven into a thick web, are suddenly snapped asunder; friend can no longer communicate with friend; the twenty thousand letters speeded each fortnight from this port alone are arrested, and the human affections, of which they are the precious expression, seek in vain for utterance. Tell me, you with friends and kindred abroad, or you bound to other lands only by relations of commerce, are you ready for this rude separation?

This is little compared with what must follow. It is but the first portentous shadow of disastrous eclipse, twilight usher of thick darkness, covering the whole heavens with a pall, broken only by the lightnings of battle and siege.

Such horrors redden the historic page, while, to the scandal of humanity, they never want historians with feelings kindred to those by which they are inspired. The demon that draws the sword also guides the pen. The favorite chronicler of modern Europe, Froissart, discovers his sympathies in his Prologue, where, with

something of apostleship, he announces his purpose, "that the honorable enterprises and noble adventures and feats of arms which happened in the wars of France and England be notably registered and put in perpetual memory," and then proceeds to bestow his equal admiration upon bravery and cunning, upon the courtesy which pardoned as upon the rage which caused the flow of blood in torrents, dwelling with especial delight on "beautiful incursions, beautiful rescues, beautiful feats of arms, and beautiful prowesses"; and wantoning in pictures of cities assaulted, "which, being soon gained by force, were robbed, and men and women and children put to the sword without mercy, while the churches were burnt and violated."[1] This was in a barbarous age. But popular writers in our own day, dazzled by false ideas of greatness, at which reason and humanity blush, do not hesitate to dwell on similar scenes even with rapture and eulogy. The humane soul of Wilberforce, which sighed that England's "bloody laws sent many unprepared into another world," could hail the slaughter of Waterloo, by which thousands were hurried into eternity on the Sabbath he held so holy, as a "splendid victory."[2]

My present purpose is less to judge the historian than to expose the horrors on horrors which he applauds. At Tarragona, above six thousand human beings, almost all defenceless, men and women, gray hairs and infant innocence, attractive youth and wrinkled age, were butchered by the infuriate troops in one night, and the morning sun rose upon a city whose streets and houses

[1] Froissart, Les Chroniques, Ch. 177, 179, Collection de Buchon, Tom. II. pp. 87, 92.

[2] Life of William Wilberforce, by his Sons, Ch. 30, Vol. IV. pp. 256, 261.

were inundated with blood: and yet this is called a "glorious exploit." [1] Here was a conquest by the French. At a later day, Ciudad Rodrigo was stormed by the British, when, in the license of victory, there ensued a savage scene of plunder and violence, while shouts and screams on all sides mingled fearfully with the groans of the wounded. Churches were desecrated, cellars of wine and spirits were pillaged, fire was wantonly applied to the city, and brutal intoxication spread in every direction. Only when the drunken dropped from excess, or fell asleep, was any degree of order restored: and yet the storming of Ciudad Rodrigo is pronounced "one of the most brilliant exploits of the British army." [2] This "beautiful feat of arms" was followed by the storming of Badajoz, where the same scenes were enacted again, with accumulated atrocities. The story shall be told in the words of a partial historian, who himself saw what he eloquently describes. "Shameless rapacity, brutal intemperance, savage lust, cruelty, and murder, shrieks and piteous lamentations, groans, shouts, imprecations, the hissing of fires bursting from the houses, the crashing of doors and windows, and the reports of muskets used in violence, resounded for two days and nights in the streets of Badajoz. On the third, when the city was sacked, when the soldiers were exhausted by their own excesses, the tumult rather subsided than was quelled. The wounded men were then looked to, the dead disposed of." [3] All this is in the nature of confession, for the historian is a partisan of battle.

The same terrible war affords another instance of atrocities at a siege crying to Heaven. For weeks be-

[1] Alison, Hist. of Europe, Ch. 61, Vol. VIII. p. 237.
[2] Ibid., Ch. 64, Vol. VIII. p. 482.
[3] Napier, Hist. Peninsular War, Book XVI. ch. 5, Vol. IV. p. 431.

fore the surrender of Saragossa, the deaths daily were from four to five hundred; and as the living could not bury the increasing mass, thousands of carcasses, scattered in streets and court-yards, or piled in heaps at the doors of churches, were left to dissolve in their own corruption, or be licked up by the flames of burning houses. The city was shaken to its foundations by sixteen thousand shells, and the explosion of forty-five thousand pounds of powder in the mines, — while the bones of forty thousand victims, of every age and both sexes, bore dreadful testimony to the unutterable cruelty of War.[1]

These might seem pictures from the life of Alaric, who led the Goths to Rome, or of Attila, general of the Huns, called the Scourge of God, and who boasted that the grass did not grow where his horse had set his foot; but no! they belong to our own times. They are portions of the wonderful, but wicked, career of him who stands forth the foremost representative of worldly grandeur. The heart aches, as we follow him and his marshals from field to field of Satanic glory,[2] finding everywhere, from Spain to Russia, the same carnival of woe. The picture is various, yet the same. Suffering, wounds, and death, in every form, fill the terrible canvas. What scene more dismal than that of Albuera, with its horrid piles of corpses, while all night the rain pours down, and river, hill, and forest,

[1] Napier, Book V. ch. 3, Vol. II. p. 46.

[2] A living poet of Italy, who will be placed by his prose among the great names of his country's literature, in a remarkable ode which he has thrown on the urn of Napoleon invites posterity to judge whether his career of battle was True Glory.

"Fu vera gloria? Ai posteri
L' ardua sentenza." — MANZONI, *Il Cinque Maggio.*

When men learn to appreciate moral grandeur, the easy sentence will be rendered.

on each side, resound with the cries and groans of the dying?[1] What scene more awfully monumental than Salamanca, where, long after the great battle, the ground, strewn with fragments of casques and cuirasses, was still white with the skeletons of those who fell?[2] What catalogue of horrors more complete than the Russian campaign? At every step is war, and this is enough: soldiers black with powder; bayonets bent with the violence of the encounter; the earth ploughed with cannon-shot; trees torn and mutilated; the dead and dying; wounds and agony; fields covered with broken carriages, outstretched horses, and mangled bodies; while disease, sad attendant on military suffering, sweeps thousands from the great hospitals, and the multitude of amputated limbs, which there is no time to destroy, accumulate in bloody heaps, filling the air with corruption. What tongue, what pen, can describe the bloody havoc at Borodino, where, between rise and set of a single sun, one hundred thousand of our fellow-men, equalling in number the whole population of this city, sank to earth, dead or wounded?[3] Fifty days after the battle, no less than thirty thousand are found stretched where their last convulsions ended, and the whole plain is strewn with half-buried carcasses of men and horses, intermingled with garments dyed in blood, and bones gnawed by dogs and vultures.[4] Who can follow the French army in dismal retreat, avoiding the spear of the pursuing Cossack only to sink beneath the sharper frost and ice,

[1] Napier, Book XII. ch. 7, Vol. III. p. 543.
[2] Alison, Ch. 64, Vol. VIII. p. 589.
[3] Ibid., Ch. 67, Vol. VIII. p. 671.
[4] Ibid., Ch. 68, Vol. VIII. p. 930. Ségur, Hist. de Napoléon, Liv. IX. ch. 7, Tom. II. p. 153. Labaume, Rel. de la Campagne de Russie, Liv. VII.

in a temperature below zero, on foot, without shelter for the body, famishing on horse-flesh and a miserable compound of rye and snow-water? With a fresh array, the war is upheld against new forces under the walls of Dresden; and as the Emperor rides over the field of battle — after indulging the night before in royal supper with the Saxon king — he sees ghastly new-made graves, with hands and arms projecting, stark and stiff, above the ground; and shortly afterwards, when shelter is needed for the troops, the order to occupy the Hospitals for the Insane is given, with the words, "Turn out the mad." [1]

Here I might close this scene of blood. But there is one other picture of the atrocious, though natural, consequences of war, occurring almost within our own day, that I would not omit. Let me bring to your mind Genoa, called the Superb, City of Palaces, dear to the memory of American childhood as the birth-place of Christopher Columbus, and one of the spots first enlightened by the morning beams of civilization, whose merchants were princes, and whose rich argosies, in those early days, introduced to Europe the choicest products of the East, the linen of Egypt, the spices of Arabia, and the silks of Samarcand. She still sits in queenly pride, as she sat then, — her mural crown studded with towers, — her churches rich with marble floors and rarest pictures, — her palaces of ancient doges and admirals yet spared by the hand of Time, — her close streets thronged by a hundred thousand inhabitants, — at the foot of the Apennines, as they approach the blue and tideless waters of the Mediterranean Sea,

[1] Alison, Ch. 72, Vol. IX. pp. 469, 553.

— leaning her back against their strong mountain-sides, overshadowed by the foliage of the fig-tree and the olive, while the orange and the lemon with pleasant perfume scent the air where reigns perpetual spring. Who can contemplate such a city without delight? Who can listen to the story of her sorrows without a pang?

At the opening of the present century, the armies of the French Republic, after dominating over Italy, were driven from their conquests, and compelled, with shrunken forces, to find shelter under Massena, within the walls of Genoa. Various efforts were made by the Austrian general, aided by bombardment from the British fleet, to force the strong defences by assault. At length the city was invested by a strict blockade. All communication with the country was cut off, while the harbor was closed by the ever-wakeful British watch-dogs of war. Besides the French troops, within the beleaguered and unfortunate city are the peaceful, unoffending inhabitants. Provisions soon become scarce; scarcity sharpens into want, till fell Famine, bringing blindness and madness in her train, rages like an Erinnys. Picture to yourselves this large population, not pouring out their lives in the exulting rush of battle, but wasting at noonday, daughter by the side of mother, husband by the side of wife. When grain and rice fail, flaxseed, millet, cocoa, and almonds are ground by hand-mills into flour, and even bran, baked with honey, is eaten, less to satisfy than to deaden hunger. Before the last extremities, a pound of horse-flesh is sold for thirty-two cents, a pound of bran for thirty cents, a pound of flour for one dollar and seventy-five cents. A single bean is soon sold for two cents, and a biscuit of three ounces for two dollars and a quarter,

till finally none can be had at any price. The wretched soldiers, after devouring the horses, are reduced to the degradation of feeding on dogs, cats, rats, and worms, which are eagerly hunted in cellars and sewers. "Happy were now," exclaims an Italian historian, "not those who lived, but those who died!" The day is dreary from hunger, — the night more dreary still, from hunger with delirious fancies. They now turn to herbs, — dock, sorrel, mallows, wild succory. People of every condition, with women of noble birth and beauty, seek upon the slope of the mountain within the defences those aliments which Nature designed solely for beasts. Scanty vegetables, with a scrap of cheese, are all that can be afforded to the sick and wounded, those sacred stipendiaries of human charity. In the last anguish of despair, men and women fill the air with groans and shrieks, some in spasms, convulsions, and contortions, yielding their expiring breath on the unpitying stones of the street, — alas! not more unpitying than man. Children, whom a dead mother's arms had ceased to protect, orphans of an hour, with piercing cries, supplicate in vain the compassion of the passing stranger: none pity or aid. The sweet fountains of sympathy are all closed by the selfishness of individual distress. In the general agony, some precipitate themselves into the sea, while the more impetuous rush from the gates, and impale their bodies on the Austrian bayonets. Others still are driven to devour their shoes and the leather of their pouches; and the horror of human flesh so far abates, that numbers feed like cannibals on the corpses about them.[1]

[1] This account is drawn from the animated sketches of Botta (Storia

At this stage the French general capitulated, claiming and receiving what are called "the honors of war," — but not before twenty thousand innocent persons, old and young, women and children, having no part or interest in the contest, had died the most horrible of deaths. The Austrian flag floated over captured Genoa but a brief span of time; for Bonaparte had already descended like an eagle from the Alps, and in nine days afterwards, on the plains of Marengo, shattered the Austrian empire in Italy.

But wasted lands, famished cities, and slaughtered armies are not all that is contained in "the purple testament of bleeding war." Every soldier is connected with others, as all of you, by dear ties of kindred, love, and friendship. He has been sternly summoned from the embrace of family. To him there is perhaps an aged mother, who fondly hoped to lean her bending years on his more youthful form; perhaps a wife, whose life is just entwined inseparably with his, now condemned to wasting despair; perhaps sisters, brothers. As he falls on the field of war, must not all these rush with his blood? But who can measure the distress that

d' Italia dal 1789 al 1814, Tom. III. Lib. 19), Alison (History of Europe, Vol. IV. ch. 30), and Arnold (Modern History, Lect. IV.). The humanity of the last is particularly aroused to condemn this most atrocious murder of innocent people, and, as a sufficient remedy, he suggests a modification of the Laws of War, permitting non-combatants to withdraw from a blockaded town! In this way, indeed, they may be spared a languishing death by starvation; but they must desert firesides, pursuits, all that makes life dear, and become homeless exiles, — a fate little better than the former. It is strange that Arnold's pure soul and clear judgment did not recognize the truth, that the whole custom of war is unrighteous and unlawful, and that the horrors of this siege are its natural consequence. Laws of War! Laws in what is lawless! rules of wrong! There can be only *one Law of War*, — that is, the great law which pronounces it unwise, unjust, and unchristian.

radiates as from a bloody sun, penetrating innumerable homes? Who can give the gauge and dimensions of this infinite sorrow? Tell me, ye who feel the bitterness of parting with dear friends and kindred, whom you watch tenderly till the last golden sands are run out and the great hour-glass is turned, what is the measure of your anguish? Your friend departs, soothed by kindness and in the arms of Love: the soldier gasps out his life with no friend near, while the scowl of Hate darkens all that he beholds, darkens his own departing soul. Who can forget the anguish that fills the bosom and crazes the brain of Lenore, in the matchless ballad of Bürger, when seeking in vain among returning squadrons for her lover left dead on Prague's ensanguined plain? But every field of blood has many Lenores. All war is full of desolate homes, as is vividly pictured by a master poet of antiquity, whose verse is an argument.

"But through the bounds of Grecia's land,
Who sent her sons for Troy to part,
See mourning, with much suffering heart,
On each man's threshold stand,
On each sad hearth in Grecia's land.
Well may her soul with grief be rent;
She well remembers whom she sent,
She sees them not return:
Instead of men, to each man's home
Urns and ashes only come,
And the armor which they wore,—
Sad relics to their native shore.
For Mars, the barterer of the lifeless clay,
Who sells for gold the slain,
And holds the scale, in battle's doubtful day,
High balanced o'er the plain,
From Ilium's walls for men returns
Ashes and sepulchral urns,—
Ashes wet with many a tear,
Sad relics of the fiery bier.
Round the full urns the general groan
Goes, as each their kindred own:

One they mourn in battle strong,
And one that 'mid the armed throng
He sunk in glory's slaughtering tide,
And for another's consort died.
. . . . .
Others they mourn whose monuments stand
By Ilium's walls on foreign strand;
Where they fell in beauty's bloom,
There they lie in hated tomb,
Sunk beneath the massy mound,
In eternal chambers bound." [1]

III.

But all these miseries are to no purpose. War is utterly ineffectual to secure or advance its professed object. The wretchedness it entails contributes to no end, helps to establish no right, and therefore in no respect determines *justice* between the contending nations.

The fruitlessness and vanity of war appear in the great conflicts by which the world has been lacerated. After long struggle, where each nation inflicts and receives incalculable injury, peace is gladly obtained on the basis of the condition before the war, known as the *status ante bellum*. I cannot illustrate this futility better than by the familiar example — humiliating to both countries — of our last war with Great Britain, where the professed object was to obtain a renunciation of the British claim, so defiantly asserted, to impress our seamen. To overturn this injustice the Arbitrament of War was invoked, and for nearly three years the whole country was under its terrible ban. American commerce was driven from the seas; the re-

[1] Agamemnon of Æschylus: *Chorus*. This is from the beautiful translation by John Symmons.

sources of the land were drained by taxation; villages on the Canadian frontier were laid in ashes; the metropolis of the Republic was captured; while distress was everywhere within our borders. Weary at last with this rude trial, the National Government appointed commissioners to treat for peace, with these specific instructions: "Your first duty will be to conclude a peace with Great Britain; and you are authorized to do it, *in case* you obtain a satisfactory stipulation against impressment, one which shall secure under our flag protection to the crew. . . . . If this encroachment of Great Britain is not provided against, *the United States have appealed to arms in vain.*"[1] Afterwards, finding small chance of extorting from Great Britain a relinquishment of the unrighteous claim, and foreseeing from the inveterate prosecution of the war only an accumulation of calamities, the National Government directed the negotiators, in concluding a treaty, to "*omit any stipulation on the subject of impressment.*"[2] These instructions were obeyed, and the treaty that restored to us once more the blessings of peace, so rashly cast away, but now hailed with intoxication of joy, contained no allusion to impressment, nor did it provide for the surrender of a single American sailor detained in the British navy. Thus, by the confession of our own Government, "the United States *had appealed to arms* IN VAIN."[3] These important words are not mine; they are words of the country.

[1] Mr. Monroe to Commissioners, April 15, 1813: American State Papers, Vol. VIII. pp. 677, 678.

[2] Mr. Monroe to Commissioners, June 27, 1814: Ibid., Vol. VIII. p. 693.

[3] Mr. Jefferson, in more than one letter, declares the peace *an armistice only*, "because no security is provided against the impressment of our seamen." — Letter to Crawford, Feb. 11, 1815; to Lafayette, Feb. 14, 1815: Works, Vol. VI. pp. 420, 427.

All this is the natural result of an appeal to war for the determination of *justice*. Justice implies the exercise of the judgment. Now war not only supersedes the judgment, but delivers over the pending question to superiority of *force*, or to *chance*.

Superior force may end in conquest; this is the natural consequence; but it cannot adjudicate any right. We expose the absurdity of its arbitrament, when, by a familiar phrase of sarcasm, we deride *the right of the strongest*, — excluding, of course, all idea of right, except that of the lion as he springs upon a weaker beast, of the wolf as he tears in pieces the lamb, of the vulture as he devours the dove. The grossest spirits must admit that this is not justice.

But the battle is not always to the strong. Superiority of force is often checked by the proverbial contingencies of war. Especially are such contingencies revealed in rankest absurdity, where nations, as is the acknowledged *custom*, without regard to their respective forces, whether weaker or stronger, voluntarily appeal to this mad umpirage. Who beforehand can measure the currents of the heady fight? In common language, we confess the "chances" of battle; and soldiers devoted to this harsh vocation yet call it a "game." The Great Captain of our age, who seemed to drag victory at his chariot-wheels, in a formal address to his officers, on entering Russia, says, "In war, *fortune* has an equal share with ability in success." [1] The famous victory of Marengo, accident of an accident, wrested unexpectedly at close of day from a foe at an earlier hour successful, taught him the uncertainty of war. Afterwards, in bitterness of spirit, when his immense forces were

[1] Alison, Ch. 67, Vol. VIII. p. 815.

shivered, and his triumphant eagles driven back with broken wing, he exclaimed, in that remarkable conversation recorded by his secretary, Fain, — "Well, this is War! High in the morning, — low enough at night! From a triumph to a fall is often but a step."[1] The same sentiment is repeated by the military historian of the Peninsular campaigns, when he says, "*Fortune* always asserts her supremacy in war; and often from a slight mistake such disastrous consequences flow, that, in every age and every nation, the *uncertainty* of arms has been proverbial."[2] And again, in another place, considering the conduct of Wellington, the same military historian, who is an unquestionable authority, confesses, "A few hours' delay, an accident, a turn of fortune, and he would have been foiled. Ay! but this is War, *always dangerous and uncertain*, an ever-rolling wheel, and armed with scythes."[3] And will intelligent man look for justice to an ever-rolling wheel armed with scythes?

Chance is written on every battle-field. Discerned less in the conflict of large masses than in that of individuals, it is equally present in both. How capriciously the wheel turned when the fortunes of Rome were staked on the combat between the Horatii and Curiatii! — and who, at one time, augured that the single Horatius, with two slain brothers on the field, would overpower the three living enemies? But this is not alone. In all the combats of history, involving the fate of individuals or nations, we learn to revolt at the frenzy which carries questions of property, freedom, or life to a judgment so uncertain and senseless. The humorous poet fitly exposes its hazards, when he says, —

[1] Alison, Ch. 72, Vol. IX. p. 497.
[2] Napier, Book XXIV. ch. 6, Vol. VI. p. 687.
[3] Ibid., Book XVI. ch. 7, Vol. IV. p. 476.

"that a turnstile is more certain
Than, in events of war, Dame Fortune." [1]

During the early modern centuries, and especially in the moral night of the Dark Ages, the practice prevailed extensively throughout Europe of invoking this adjudication for controversies, whether of individuals or communities. I do not dwell on the custom of Private War, though it aptly illustrates the subject, stopping merely to echo that joy which, in a time of ignorance, before this arbitrament yielded gradually to the ordinances of monarchs and an advancing civilization, hailed its temporary suspension as *The Truce of God*. But this beautiful term, most suggestive, and historically important, cannot pass without the attention which belongs to it. Such a truce is still an example, and also an argument; but it is for nations. Here is something to be imitated; and here also is an appeal to the reason. If individuals or communities once recognized the Truce of God, why not again? And why may not its benediction descend upon nations also? Its origin goes back to the darkest night. It was in 1032 that the Bishop of Aquitaine announced the appearance of an angel with a message from Heaven, engaging men to cease from war and be reconciled. The people, already softened by calamity and disposed to supernatural impressions, hearkened to the sublime message, and consented. From sunset Thursday to sunrise Monday each week, also during Advent and Lent, and at the great festivals, all effusion of blood was interdicted, and no man could molest his adversary. Women, children, travellers, merchants, laborers, were assured perpetual peace. Every church was made an asylum,

[1] Hudibras, Part I. Canto 3, vv. 23, 24.

and, by happy association, the plough also sheltered from peril all who came to it. This respite, justly regarded as marvellous, was hailed as the Truce of God. Beginning in one neighborhood, it was piously extended until it embraced the whole kingdom, and then, by the authority of the Pope, became coextensive with Christendom, while those who violated it were put under solemn ban. As these things passed, bishops lifted their crosses, and the people in their gladness cried, *Peace! Peace.!*[1] Originally too limited in operation and too short in duration, the Truce of God must again be proclaimed for all places and all times, — proclaimed to all mankind and all nations, without distinction of person or calling, on all days of the week, without distinction of sacred days or festivals, and with one universal asylum, not merely the church and the plough, but every place and thing.

From Private Wars, whose best lesson is the Truce of God, by which for a time they were hushed, I come to the *Judicial Combat*, or Trial by Battle, where, as in a mirror, we behold the barbarism of War, without truce of any kind. Trial by Battle was a formal and legitimate mode of deciding controversies, principally between individuals. Like other ordeals, by walking barefoot and blindfold among burning ploughshares, by holding hot iron, by dipping the hand in hot water or hot oil, and like the great Ordeal of War, it was a presumptuous appeal to Providence, under the apprehension and hope that Heaven would give the victory to him who had the right. Its object was the

[1] Robertson, Hist. of Charles V., Vol. I. note 21. Semichon, La Paix et la Trève de Dieu, Tom. II. pp. 35, 53.

very object of War, — *the determination of Justice.* It was sanctioned by Municipal Law as an arbitrament for individuals, as War, to the scandal of civilization is still sanctioned by International Law as an arbitrament for nations. "Men," says the brilliant Frenchman, Montesquieu, "subject even their prejudices to rules"; and Trial by Battle, which he does not hesitate to denounce as a "monstrous usage," was surrounded by artificial regulations of multifarious detail, constituting an extensive system, determining how and when it should be waged, as War is surrounded by a complex code, known as the Laws of War. "Nothing," says Montesquieu again, "could be more contrary to good sense, but, once established, it was executed with a certain prudence," — which is equally true of War. No battle-field for an army is selected with more care than was the field for Trial by Battle. An open space in the neighborhood of a church was often reserved for this purpose. At the famous Abbey of Saint-Germain-des-Prés, in Paris, there was a tribune for the judges, overlooking the adjoining meadow, which served for the field.[1] The combat was inaugurated by a solemn mass, according to a form still preserved, *Missa pro Duello,* so that, in ceremonial and sanction, as in the field, the Church was constantly present. Champions were hired, as soldiers now.[2]

No question was too sacred, grave, or recondite for this

[1] Sismondi, Hist. des Français, Part. V. ch. 9, Tom. X. p. 514.

[2] The pivotal character of Trial by Battle, as an illustration of War, will justify a reference to the modern authorities, among which are Robertson, who treats it with perspicuity and fulness (History of Charles V, Vol. I. note 22), — Hallam, always instructive (Middle Ages, Vol. I. Chap. II. pt. 2), — Blackstone, always clear (Commentaries, Book III. ch. 22, sec. 5, and Book IV. ch. 27, sec. 3), — Montesquieu, who casts upon it a flood of

tribunal. In France, the title of an Abbey to a neighboring church was decided by it; and an Emperor of Germany, according to a faithful ecclesiastic, "desirous of dealing *honorably* with his people and nobles" (mark here the standard of honor!), waived the judgment of the court on a grave question of law concerning the descent of property, and referred it to champions. Human folly did not stop here. In Spain, a subtile point of theology was submitted to the same determination.[1] But Trial by Battle was not confined to particular countries or to rare occasions. It prevailed everywhere in Europe, superseding in many places all other ordeals, and even *Trials by Proofs*, while it extended not only to criminal matters, but to questions of property. In Orléans it had an exceptional limitation, being denied in civil matters where the amount did not exceed five sous.[2]

Like War in our day, its justice and fitness as an arbitrament were early doubted or condemned. Liutprand, a king of the Lombards, during that middle period neither ancient nor modern, in a law bearing date A. D.

light (Esprit des Lois, Liv. XXVIII. ch. 18–33), — Sismondi, humane and interesting (Histoire des Français, Part. IV. ch. 11, Tom. VIII. pp. 72–78), — Guizot, in a work of remarkable historic beauty, more grave than Montesquieu, and enlightened by a better philosophy (Histoire de la Civilisation en France depuis la Chute de l'Empire Romain, Tom. IV. pp. 89, 149–166), — Wheaton, our learned countryman (History of the Northmen, Chap. III. and XII.), — also the two volumes of Millingen's History of Duelling, if so loose a compend deserves a place in this list. All these, describing Trial by Battle, testify against War. I cannot conceal that so great an authority as Selden, a most enlightened jurist of the Long Parliament, argues the lawfulness of the Duel from the lawfulness of War. After setting forth that "a duel may be granted in some cases by the law of England," he asks, "But whether is this lawful?" and then answers, "*If you grant any war lawful*, I make no doubt but to convince it." (Table-Talk: *Duel.*) But if the Duel be unlawful, how then with War?

[1] Robertson, Hist. Charles V., Vol. I note 22.

[2] Montesquieu, Esprit des Lois, Liv. XXVIII. ch. 19.

724, declares his distrust of it as a mode of determining justice; but the monarch is compelled to add, that, considering the *custom* of his Lombard people, he cannot forbid the *impious law*. His words deserve emphatic mention: "*Propter consuetudinem gentis nostræ Langobardorum* LEGEM IMPIAM *vetare non possumus.*."[1] The appropriate epithet by which he branded Trial by Battle is the important bequest of the royal Lombard to a distant posterity. For this the lawgiver will be cherished with grateful regard in the annals of civilization.

This custom received another blow from Rome. In the latter part of the thirteenth century, Don Pedro of Aragon, after exchanging letters of defiance with Charles of Anjou, proposed a personal combat, which was accepted, on condition that Sicily should be the prize of success. Each called down upon himself all the vengeance of Heaven, and the last dishonor, if, at the appointed time, he failed to appear before the Seneschal of Aquitaine, or, in case of defeat, refused to consign Sicily undisturbed to the victor. While they were preparing for the lists, the Pope, Martin the Fourth, protested with all his might against this new Trial by Battle, which staked the sovereignty of a kingdom, a feudatory of the Holy See, on a wild stroke of chance. By a papal bull, dated at Civita Vecchia, April 5th, 1283, he threatened excommunication to either of the princes who should proceed to a combat which he pronounced *criminal* and *abominable*. By a letter of the same date, the Pope announced to Edward the First of England, Duke of Aquitaine, the agreement of the two princes, which he most earnestly declared to

[1] Liutprandi Leges, Lib. VI. cap. 65: Muratori, Rerum Italic. Script., Tom. I. pars 2, p. 74.

be full of indecency and rashness, hostile to the concord of Christendom, and reckless of Christian blood; and he urged upon the English monarch all possible effort to prevent the combat, — menacing him with excommunication, and his territories with interdict, if it should take place. Edward refusing to guaranty the safety of the combatants in Aquitaine, the parties retired without consummating their duel.[1] The judgment of the Holy See, which thus accomplished its immediate object, though not in terms directed to the suppression of the *custom*, remains, nevertheless, from its peculiar energy, a perpetual testimony against Trial by Battle.

To a monarch of France belongs the honor of first interposing the royal authority for the entire suppression within his jurisdiction of this *impious custom*, so universally adopted, so dear to the nobility, and so profoundly rooted in the institutions of the Feudal Age. And here let me pause with reverence as I pronounce the name of St. Louis, a prince whose unenlightened errors may find easy condemnation in an age of larger toleration and wider knowledge, but whose firm and upright soul, exalted sense of justice, fatherly regard for the happiness of his people, respect for the rights of others, conscience void of offence toward God or man, make him foremost among Christian rulers, and the highest example for Christian prince or Christian people, — in one word, a model of True Greatness. He was of angelic conscience, subjecting whatever he did to the single and exclusive test of moral rectitude, disregarding every consideration of worldly advantage, all fear of worldly consequences.

[1] Sismondi, Hist. des Français, Part. IV. ch. 15, Tom. VIII. pp. 338 – 347.

His soul, thus tremblingly sensitive to right, was shocked at the judicial combat. It was a sin, in his sight, thus to *tempt God*, by demanding of him a miracle, whenever judgment was pronounced. From these intimate convictions sprang a royal ordinance, promulgated first at a Parliament assembled in 1260: "*We forbid to all persons throughout our dominions the* TRIAL BY BATTLE; . . . . *and instead of battles, we establish proofs by witnesses.* . . . . AND THESE BATTLES WE ABOLISH IN OUR DOMINIONS FOREVER."[1]

Such were the restraints on the royal authority, that this beneficent ordinance was confined in operation to the demesnes of the king, not embracing those of the barons and feudatories. But where the power of the sovereign did not reach, there he labored by example, influence, and express intercession, — treating with the great vassals, and inducing many to renounce this unnatural usage. Though for years later it continued to vex parts of France, its overthrow commenced with the Ordinance of St. Louis.

Honor and blessings attend this truly Christian king, who submitted all his actions to the Heaven-descended sentiment of Duty, — who began a long and illustrious reign by renouncing and restoring conquests of his predecessor, saying to those about him, whose souls did not ascend to his heights, "I know that the predecessors of the King of England lost altogether by right the conquest which I hold; and the land which I give him I do not give because I am bound to him or his heirs, *but to put love between my children and his children, who are cousins-german;* and it seems to me that what I

[1] Guizot, Hist. de la Civilisation en France, Leçon 14, Vol. IV. pp. 162 – 164.

thus give I employ to good purpose."[1] Honor to him who never by force or cunning grasped what was not his own, — who sought no advantage from the turmoil and dissension of his neighbors, — who, first of Christian princes, rebuked the Spirit of War, saying to those who would have him profit by the strifes of others, "Blessed are the peacemakers,"[2] — who, by an immortal ordinance, abolished Trial by Battle throughout his dominions, — who extended equal justice to all, whether his own people or his neighbors, and in the extremity of his last illness, before the walls of Tunis, under a burning African sun, among the bequests of his spirit, enjoined on his son and successor, "in maintaining justice, to be inflexible and loyal, turning neither to the right hand nor to the left."[3]

To condemn Trial by Battle no longer requires the sagacity above his age of the Lombard monarch, or the intrepid judgment of the Sovereign Pontiff, or the ecstatic soul of St. Louis. An incident of history, as curious as it is authentic, illustrates this point, and shows the certain progress of opinion; and this brings me to England, where this trial was an undoubted part of the early Common Law, with peculiar ceremonies sanctioned by the judges robed in scarlet. The learned Selden, not content with tracing its origin, and exhibiting its forms, with the oath of the duellist, "As God me help, and his saints of Paradise," shows also the copartnership of the Church through its liturgy appointing prayers for the occasion.[4] For some time it was the

[1] Guizot, Hist. de la Civilisation en France, Leçon 14, Vol. IV. p. 151.
[2] "*Benoist soient tuit li apaiseur.*" — Joinville, p. 143.
[3] Sismondi, Hist. des Français, Part. IV. ch. 12, Tom. VIII. p. 196.
[4] Selden, The Duello, or Single Combat, from Antiquity derived into this

only mode of trying a writ of right, by which the title to real property was determined, and the fines from the numerous cases formed no inconsiderable portion of the King's revenue.[1] It was partially restrained by Henry the Second, under the advice of his chief justiciary, the ancient law-writer, Glanville, substituting the Grand Assize as an alternative, on the trial of a writ of right; and the reason assigned for this substitution was the uncertainty of the Duel, so that after many and long delays justice was scarcely obtained, in contrast with the other trial, which was more convenient and swift.[2] At a later day, Trial by Battle was rebuked by Elizabeth, who interposed to compel the parties to a composition, — although, for the sake of their *honor*, as it was called, the lists were marked out and all the preliminary forms observed with much ceremony.[3] It was awarded under Charles the First, and the proceeding went so far that a day was proclaimed for the combatants to appear with spear, long sword, short sword, and dagger, when the duel was adjourned from time to time, and at last the king compelled an accommodation without bloodshed.[4] Though fallen

Kingdom of England; also, Table Talk, *Duel:* Works, Vol. III. col. 49–84, 2027.

[1] Madox, Hist. of Exchequer, Vol. I. p. 349.

[2] "Est autem magna Assisa regale quoddam beneficium, ... quo vitæ hominum et status integritati tam salubriter consulitur, ut in jure quod quis in libero soli tenemento possidet retinendo, duelli casum declinare possunt homines ambiguum. .... Jus enim, *quod post multas et longas dilationes vix evincitur per duellum*, per beneficium istius constitutionis commodius et acceleratius expeditur." (Glanville, Tractatus de Legibus et Consuetudinibus Regni Angliæ, Lib. II. cap. 7.) These pointed words are precisely applicable to our Arbitrament of War, with its many and long delays, so little productive of justice.

[3] Robertson, Hist. Charles V., Vol. I. note 22.

[4] Proceedings in the Court of Chivalry, on an Appeal of High Treason by

into desuetude, quietly overruled by the enlightened sense of successive generations, yet, to the disgrace of English jurisprudence, it was not legislatively abolished till near our own day, — as late as 1819, — the right to it having been openly claimed in Westminster Hall only two years previous. An ignorant man, charged with murder, — whose name, Abraham Thornton, is necessarily connected with the history of this monstrous usage, — being proceeded against by the ancient process of appeal, pleaded, when brought into court, as follows: "Not guilty; and I am ready to defend the same by my body": and thereupon taking off his glove, he threw it upon the floor. The appellant, not choosing to accept this challenge, abandoned his proceedings. The bench, the bar, and the whole kingdom were startled by the infamy; and at the next session of Parliament Trial by Battle was abolished in England. In the debate on this subject, the Attorney-General remarked, in appropriate terms, that, "if the appellant had persevered in the Trial by Battle, he had no doubt the legislature would have felt it their imperious duty at once to interfere, and pass *an ex post facto law to prevent so degrading a spectacle from taking place.*"[1]

These words evince the disgust which Trial by Battle excites in our day. Its folly and wickedness are conspicuous to all. Reverting to that early period in which it prevailed, our minds are impressed by the general barbarism; we recoil with horror from the awful subjection of justice to brute force, — from the impious profanation

Donald Lord Rea against Mr. David Ramsay, 7 Cha. I., 1631: Hargrave's State Trials, Vol. XI. pp. 124–131.

[1] Hansard, Parl. Debates, XXXIX. 1104. Blackstone, Com., III. 337, Chitty's note.

of God in deeming him present at these outrages, — from the moral degradation out of which they sprang, and which they perpetuated; we enrobe ourselves in self-complacent virtue, and thank God that we are not as these men, — that ours is an age of light, while theirs was an age of darkness!

But remember, fellow-citizens, that this criminal and impious custom, which all condemn in the case of individuals, is openly avowed by our own country, and by other countries of the great Christian Federation, nay, that it is expressly *established* by International Law, as the proper mode of determining *justice* between nations, — while the feats of hardihood by which it is waged, and the triumphs of its fields, are exalted beyond all other labors, whether of learning, industry, or benevolence, as the well-spring of Glory. Alas! upon our own heads be the judgment of barbarism which we pronounce upon those that have gone before! At this moment, in this period of light, while to the contented souls of many the noonday sun of civilization seems to be standing still in the heavens, as upon Gibeon, the dealings between nations are still governed by the odious rules of brute violence which once predominated between individuals. The Dark Ages have not passed away; Erebus and black Night, born of Chaos, still brood over the earth; nor can we hail the clear day, until the hearts of nations are touched, as the hearts of individual men, and all acknowledge *one and the same Law of Right.*

What has taught you, O man! thus to find glory in an act, performed by a nation, which you condemn as a crime or a barbarism, when committed by an individual?

In what vain conceit of wisdom and virtue do you find this incongruous morality? Where is it declared that God, who is no respecter of persons, is a respecter of multitudes? Whence do you draw these partial laws of an impartial God? Man is immortal; but Nations are mortal. Man has a higher destiny than Nations. Can Nations be less amenable to the supreme moral law? Each individual is an atom of the mass. Must not the mass, in its conscience, be like the individuals of which it is composed? Shall the mass, in relations with other masses, do what individuals in relations with each other may not do? As in the physical creation, so in the moral, there is but one rule for the individual and the mass. It was the lofty discovery of Newton, that the simple law which determines the fall of an apple prevails everywhere throughout the Universe, — ruling each particle in reference to every other particle, large or small, — reaching from earth to heaven, and controlling the infinite motions of the spheres. So, with equal scope, another simple law, *the Law of Right*, which binds the individual, binds also two or three when gathered together, — binds conventions and congregations of men, — binds villages, towns, and cities, — binds states, nations, and races, — clasps the whole human family in its sevenfold embrace; nay, more, beyond

> "the flaming bounds of place and time,
> The living throne, the sapphire blaze,"

it binds the angels of Heaven, Cherubim, full of knowledge, Seraphim, full of love; above all, it binds, in self-imposed bonds, a just and omnipotent God. This is the law of which the ancient poet sings, as *Queen alike of mortals and immortals.* It is of this, and not of any earthly law, that Hooker speaks in that magnificent pe-

riod which sounds like an anthem: "Of Law there can be no less acknowledged than that her seat is the bosom of God, her voice the harmony of the world: all things in heaven and earth do her homage, the very least as feeling her care, and the greatest as not exempted from her power: both angels and men, and creatures of what condition soever, though each in different sort and manner, yet all with uniform consent, admiring her as the mother of their peace and joy." Often quoted, and justly admired, sometimes as the finest sentence of our English speech, this grand declaration cannot be more fitly invoked than to condemn the pretence of one law for the individual and another for the nation.

Stripped of all delusive apology, and tried by that comprehensive law under which nations are set to the bar like common men, War falls from glory into barbarous guilt, taking its place among bloody transgressions, while its flaming honors are turned into shame. Painful to existing prejudice as this may be, we must learn to abhor it, as we abhor similar transgressions by vulgar offender. Every word of reprobation which the enlightened conscience now fastens upon the savage combatant in Trial by Battle, or which it applies to the unhappy being who in murderous duel takes the life of his fellow-man, belongs also to the nation that appeals to War. Amidst the thunders of Sinai God declared, "Thou shalt not kill"; and the voice of these thunders, with this commandment, is prolonged to our own day in the echoes of Christian churches. What mortal shall restrict the application of these words? Who on earth is empowered to vary or abridge the commandments of God? Who shall presume to declare that this injunction was directed, not to nations, but to individuals

only, — not to many, but to one only, — that one man shall not kill, but that many may, — that one man shall not slay in Duel, but that a nation may slay a multitude in the duel of War, — that each individual is forbidden to destroy the life of a single human being, but that a nation is not forbidden to cut off by the sword a whole people? We are struck with horror, and our hair stands on end, at the report of a single murder; we think of the soul hurried to final account; we hunt the murderer; and Government puts forth its energies to secure his punishment. Viewed in the unclouded light of Truth, what is War but organized murder, — murder of malice aforethought, — in cold blood, — under sanctions of *impious law*, — through the operation of an extensive machinery of crime, — with innumerable hands, — at incalculable cost of money, — by subtle contrivances of cunning and skill, — or amidst the fiendish atrocities of the savage, brutal assault?

By another commandment, not less solemn, it is declared, "Thou shalt not steal"; and then again there is another forbidding to covet what belongs to others: but all this is done by War, which is stealing and covetousness organized by International Law. The Scythian, undisturbed by the illusion of military glory, snatched a phrase of justice from an acknowledged criminal, when he called Alexander "the greatest robber in the world." And the Roman satirist, filled with similar truth, in pungent words touched to the quick that flagrant, unblushing injustice which dooms to condign punishment the very guilt that in another sphere and on a grander scale is hailed with acclamation: —

"Ille crucem sceleris pretium tulit, hic diadema."[1]

[1] Juvenal, Sat. XIII. 105. The same judgment is pronounced by Fénelon

While condemning the ordinary malefactor, mankind, blind to the real character of War, may yet a little longer crown the giant actor with glory; a generous posterity may pardon to unconscious barbarism the atrocities which have been waged; but the *custom*, as organized by existing law, cannot escape the unerring judgment of reason and religion. The outrages, which, under most solemn sanctions, it permits and invokes for professed purposes of justice, cannot be authorized by any human power; and they must rise in overwhelming judgment, not only against those who wield the weapons of Battle, but more still against all who uphold its monstrous Arbitrament.

When, O, when shall the St. Louis of the Nations arise, — Christian ruler or Christian people, — who, in the Spirit of True Greatness, shall proclaim, that henceforward forever the great Trial by Battle shall cease, — that "these battles" shall be *abolished* throughout the Commonwealth of Civilization, — that *a spectacle so degrading* shall never be allowed again to take place, — and that it is the duty of nations, involving the highest and wisest policy, to establish love between each other, and, in all respects, at all times, with all persons, whether their own people or the people of other lands, to be governed by the sacred *Law of Right*, as between man and man?

IV.

I am now brought to review the obstacles encountered by those who, according to the injunction of St. Augus-

in his counsels to royalty, entitled, *Examen de Conscience sur les Devoirs de la Royauté.*

tine, would *make war on War*, and slay it with the word. To some of these obstacles I alluded at the beginning, especially the warlike literature, by which the character is formed. The world has supped so full with battles, that its modes of thought and many of its rules of conduct are incarnadined with blood, as the bones of swine, feeding on madder, are said to become red. Not to be tempted by this theme, I hasten on to expose in succession those various PREJUDICES so powerful still in keeping alive the *custom* of War, including that greatest prejudice, mighty parent of an infinite brood, at whose unreasoning behest untold sums are absorbed in Preparations for War.

1. One of the most important is the prejudice from *belief in its necessity*. When War is called a necessity, it is meant, of course, that its object can be attained in no other way. Now I think it has already appeared, with distinctness approaching demonstration, that the professed object of War, which is justice between nations, is in no respect promoted by War, — that force is not justice, nor in any way conducive to justice, — that the eagles of victory are the emblems of successful force only, and not of established right. Justice is obtained solely by the exercise of reason and judgment; but these are silent in the din of arms. Justice is without passion; but War lets loose all the worst passions, while "Chance, high arbiter, more embroils the fray." The age is gone when a nation within the enchanted circle of civilization could make war upon its neighbors for any declared purpose of booty or vengeance. It does "nought in hate, but all in *honor*." Such is the present rule. Professions of tenderness mingle with

the first mutterings of strife. As if conscience-struck at the criminal abyss into which they are plunging, each of the great litigants seeks to fix upon the other some charge of hostile aggression, or to set up the excuse of defending some asserted right, some Texas, some Oregon. Each, like Pontius Pilate, vainly washes its hands of innocent blood, and straightway allows a crime at which the whole heavens are darkened, and two kindred countries are severed, as the vail of the Temple was rent in twain.

Proper modes for the determination of international disputes are Negotiation, Mediation, Arbitration, and a Congress of Nations, — all practicable, and calculated to secure peaceful justice. Under existing Law of Nations these may be employed at any time. *But the very law sanctioning War may be changed,* as regards two or more nations by treaty between them, and as regards the body of nations by general consent. If nations can agree in solemn provisions of International Law to establish War as Arbiter of Justice, they can also agree to abolish this arbitrament, and to establish peaceful substitutes, — precisely as similar substitutes are established by Municipal Law to determine controversies among individuals. A system of Arbitration may be instituted, or a Congress of Nations, charged with the high duty of organizing an *Ultimate Tribunal,* instead of "these battles." To do this, the will only is required.

Let it not be said, then, that war is a *necessity;* and may our country aspire to the glory of taking the lead in disowning the barbarous system of LYNCH LAW among nations, while it proclaims peaceful *substitutes!* Such a glory, unlike the earthly fame of battle, will be

immortal as the stars, dropping perpetual light upon the souls of men.

2. Another prejudice is founded on *the practice of nations*, past and present. There is no crime or enormity in morals which may not find the support of human example, often on an extended scale. But it will not be urged in our day that we are to look for a standard of duty in the conduct of vain, fallible, mistaken man. Not by any subtile alchemy can man transmute Wrong into Right. Because War is according to the practice of the world, it does not follow that it is right. For ages the world worshipped false gods, — not less false because all bowed before them. At this moment the prevailing numbers of mankind are heathen ; but heathenism is not therefore true. Once it was the practice of nations to slaughter prisoners of war; but the Spirit of War recoils now from this bloody sacrifice. By a perverse morality in Sparta, theft, instead of being a crime, was, like War, dignified into an art and accomplishment; like War, it was admitted into the system of youthful education; and, like War, it was illustrated by an instance of unconquerable firmness, barbaric counterfeit of virtue. The Spartan youth, with the stolen fox beneath his robe eating into his bowels, is an example of fortitude not unlike that so often admired in the soldier. Other illustrations crowd upon the mind; but I will not dwell upon them. We turn with disgust from Spartan cruelty and the wolves of Taygetus, — from the awful cannibalism of the Feejee Islands, — from the profane rites of innumerable savages, — from the crushing Juggernaut, — from the Hindoo widow on her funeral pyre, — from the

Indian dancing at the stake; but had not all these, like War, the sanction of established usage?

Often is it said that we need not be wiser than our fathers. Rather strive to excel our fathers. What in them was good imitate; but do not bind ourselves, as in chains of Fate, by their imperfect example. In all modesty be it said, we have lived to little purpose, if we are not wiser than the generations that have gone before. It is the exalted distinction of man that he is progressive, — that his reason is not merely the reason of a single human being, but that of the whole human race, in all ages from which knowledge has descended, in all lands from which it has been borne away. We are the heirs to an inheritance grandly accumulating from generation to generation, with the superadded products of other lands. The child at his mother's knee is now taught the orbits of the heavenly bodies,

"Where worlds on worlds compose one Universe,"

the nature of this globe, the character of the tribes by which it is covered, and the geography of countries, to an extent far beyond the ken of the most learned in other days. It is true, therefore, that antiquity is the real infancy of man. Then is he immature, ignorant, wayward, selfish, childish, finding his chief happiness in lowest pleasures, unconscious of the higher. The animal reigns supreme, and he seeks contest, war, blood. Already he has lived through infancy and childhood. Reason and the kindlier virtues, repudiating and abhorring force, now bear sway. The time has come for temperance, moderation, peace. We are the true ancients. The single lock on the battered forehead of old Time is thinner now than when our fathers at-

tempted to grasp it; the hour-glass has been turned often since; the scythe is heavier laden with the work of death.

Let us not, then, take for a lamp to our feet the feeble taper that glimmers from the sepulchre of the Past. Rather hail that ever-burning light above, in whose beams is the brightness of noonday.

3. There is a topic which I approach with diffidence, but in the spirit of frankness. It is the influence which War, though condemned by Christ, has derived from the *Christian Church.* When Constantine, on one of his marches, at the head of his army, beheld the luminous trophy of the cross in the sky, right above the meridian sun, inscribed with the words, *By this conquer*, had his soul been penetrated by the true spirit of Him whose precious symbol it was, he would have found no inspiration to the spear and the sword. He would have received the lesson of self-sacrifice as from the lips of the Saviour, and learned that by no earthly weapon of battle can true victory be won. The pride of conquest would have been rebuked, and the bawble sceptre have fallen from his hands. *By this conquer:* by patience, suffering, forgiveness of evil, by all those virtues of which the cross is the affecting token, *conquer*, and the victory shall be greater than any in the annals of Roman conquest; it may not yet find a place in the records of man, but it will appear in the register of everlasting life.

The Christian Church, after the early centuries, failed to discern the peculiar spiritual beauty of the faith it professed. Like Constantine, it found new incentive to War in the religion of Peace; and such is its character,

even in our own day. The Pope of Rome, the asserted head of the Church, Vicegerent of Christ upon earth, whose seal is a fisherman, on whose banner is a Lamb before the Holy Cross, assumed the command of armies, mingling the thunders of Battle with the thunders of the Vatican. The dagger projecting from the sacred vestments of De Retz, while still an archbishop, was justly derided by the Parisian crowd as "the Archbishop's breviary." We read of mitred prelates in armor of proof, and seem still to catch the clink of the golden spurs of bishops in the streets of Cologne. The sword of knighthood was consecrated by the Church, and priests were expert masters in military exercises. I have seen at the gates of the Papal Palace in Rome a constant guard of Swiss soldiers; I have seen, too, in our own streets, a show as incongruous and inconsistent, — the pastor of a Christian church swelling the pomp of a military parade. And some have heard, within a few short weeks, in a Christian pulpit, from the lips of an eminent Christian divine, a sermon, where we are encouraged to *serve the God of Battles, and, as citizen soldiers, fight for Peace:*[1] a sentiment in unhappy harmony with the profane language of the British peer, who, in addressing the House of Lords, said, "*The best road to Peace, my Lords, is War,* and that in the manner we are taught to worship our Creator, namely, by carrying it on with all our souls, with all our minds, with all our hearts, and with all our strength,"[2] — but finding small support in a religion that expressly enjoins, when one cheek is smitten, to

[1] Discourse before the Ancient and Honorable Artillery Company, by A. H. Vinton.

[2] Earl of Abingdon, May 30, 1794: Hansard, Parl. Hist., XXXI. 680.

turn the other, and which we hear with pain from a minister of Christian truth, — alas! thus made inferior to that of the heathen who *preferred the unjustest peace to the justest war.*[1]

Well may we marvel that now, in an age of civilization, the God of Battles should be invoked. "*Deo imperante,* QUEM ADESSE BELLANTIBUS CREDUNT," are the appropriate words of surprise in which Tacitus describes a similar delusion of the ancient Germans.[2] The polite Roman did not think God present with fighting men. This ancient superstition must have lost something of its hold even in Germany; for, at a recent period, her most renowned captain, — whose false glory procured for him the title of Great, — Frederick of Prussia, declared, with commendable frankness, that he always found the God of Battles on the side of the strongest regiments; and when it was proposed to place on his banner, soon to flout the sky of Silesia, the inscription, *For* GOD *and Country,* he rejected the first word, declaring it not proper to introduce the name of the Deity in the quarrels of men. By this elevated sentiment the warrior monarch may be remembered, when his fame of battle has passed away.

The French priest of Mars, who proclaimed the

[1] "*Vel iniquissimam pacem justissimo bello anteferrem,*" are the words of Cicero. (Epist. A. Cæcinæ: Epp. ad Diversos, VI. 6.) Only eight days after Franklin had placed his name to the treaty of peace which acknowledged the independence of his country, he wrote to a friend, "May we never see another war! for, in my opinion, there never was a good war or a bad peace." (Letter to Josiah Quincy: Works, ed. Sparks, Vol. X. p. 11.) It is with sincere regret that I seem, by a particular allusion, to depart for a moment from so great a theme; but the person and the theme here become united. I cannot refrain from the effort to tear this iron branch of War from the golden tree of Christian Truth, even though a voice come forth from the breaking bough.

[2] De Moribus German., Cap. 7.

"divinity" of War, rivals the ancient Germans in faith that God is the tutelary guardian of battle, and he finds a new title, which he says "shines" on all the pages of Scripture, being none other than *God of Armies*.[1] Never was greater mistake. No theology, no theodicy, has ever attributed to God this title. God is God of Heaven, God of Hosts, the Living God, and he is God of Peace,—so called by St. Paul, saying, "Now the God of Peace be with you all,"[2] and again, "The God of Peace shall bruise Satan shortly,"[3] — but God of Armies he is not, as he is not God of Battles.[4] The title, whether of Armies or of Hosts, thus invoked for War, has an opposite import, even angelic, — the armies named being simply, according to authorities Ecclesiastical and Rabbinical, the hosts of angels standing about the throne. Who, then, is God of Battles? It is Mars, — man-slaying, blood-polluted, city-smiting Mars![5] It is not He who binds the sweet influences of the Pleiades and looses the bands of Orion, who causes the sun to shine on the evil and the good, who distils the oil of gladness upon every upright heart, who tempers the wind to the shorn lamb, — the Fountain of Mercy and Goodness, the God of Justice and Love. Mars is not the God of Christians; he is not Our Father in Heaven; to him can ascend no prayers of Christian thanksgiving, no words of Christian worship, no pealing anthem to swell the note of praise.

And yet Christ and Mars are still brought into fel-

[1] Joseph de Maistre, Soirées de Saint-Pétersbourg, Tom. II. p. 27.

[2] Romans, xv. 33.

[3] Ibid., xvi. 20.

[4] A volume so common as Cruden's Concordance shows the audacity of the martial claim.

[5] Iliad, V. 31.

lowship, even interchanging pulpits. What a picture of contrasts! A national ship of the line now floats in this harbor. Many of you have pressed its deck, and observed with admiration the completeness which prevails in all its parts, — its lithe masts and complex network of ropes, — its thick wooden walls, within which are more than the soldiers of Ulysses, — its strong defences, and its numerous dread and rude-throated engines of War. There, each Sabbath, amidst this armament of blood, while the wave comes gently plashing against the frowning sides, from a pulpit supported by a cannon, in repose now, but ready to awake its dormant thunder charged with death, a Christian preacher addresses officers and crew. May his instructions carry strength and succor to their souls! But, in such a place, those highest words of the Master he professes, "Blessed are the peacemakers," "Love your enemies," "Resist not evil," must, like Macbeth's "Amen," stick in the throat.

It will not be doubted that this strange and unblessed conjunction of the Church with War has no little influence in blinding the world to the truth, too slowly recognized, that the whole custom of war *is contrary to Christianity.*

Individual interests mingle with prevailing errors, and are so far concerned in maintaining them that military men yield reluctantly to this truth. Like lawyers, as described by Voltaire, they are "conservators of ancient barbarous usages." But that these usages should obtain countenance in the Church is one of those anomalies which make us feel the weakness of our nature, if not the elevation of Christian truth. To uphold the Arbitrament of War requires no more than to uphold

the Trial by Battle; for the two are identical, except in proportion. One is a giant, the other a pygmy. Long ago the Church condemned the pygmy, and this Christian judgment now awaits extension to the giant. Meanwhile it is perpetual testimony; nor should it be forgotten, that, for some time after the Apostles, when the message of peace and good-will was first received, many yielded to it so completely as to reject arms of all kinds. Such was the voice of Justin Martyr, Irenæus, Tertullian, and Origen, while Augustine pleads always for Peace. Gibbon coldly recounts, how Maximilian, a youthful recruit from Africa, refused to serve, insisting that his conscience would not permit him to embrace the profession of soldier, and then how Marcellus the Centurion, on the day of a public festival, threw away his belt, his arms, and the ensigns of command, exclaiming with a loud voice, that he would obey none but Jesus Christ, the Eternal King.[1] Martyrdom ensued, and the Church has inscribed their names on its everlasting rolls, thus forever commemorating their testimony. These are early examples, not without successors. But Mars, so potent, especially in Rome, was not easily dislodged, and down to this day holds his place at Christian altars.

> "Thee to defend the Moloch priest prefers
> The prayer of hate, and bellows to the herd,
> That Deity, accomplice Deity,
> In the fierce jealousy of wakened wrath,
> Will go forth with our armies and our fleets
> To scatter the red ruin on their foes!
> O, blasphemy! to mingle fiendish deeds
> With blessedness!"[2]

[1] Gibbon, Decline and Fall of the Roman Empire, Chap. XVI. Vol. I. p. 680.

[2] Coleridge, Religious Musings, written Christmas Eve, 1794.

One of the beautiful pictures adorning the dome of a church in Rome, by that master of Art, whose immortal colors speak as with the voice of a poet, the Divine Raphael, represents Mars in the attitude of War, with a drawn sword uplifted and ready to strike, while an unarmed angel from behind, with gentle, but irresistible force, arrests and holds the descending hand. Such is the true image of Christian duty; nor can I readily perceive any difference in principle between those ministers of the Gospel who themselves gird on the sword, as in the olden time, and those others, unarmed, and in customary suit of solemn black, who lend the sanction of their presence to the martial array, or to any form of preparation for War. The drummer, who pleaded that he did not fight, was held more responsible for the battle than the soldier, — as it was the sound of his drum that inflamed the flagging courage of the troops.

4. From prejudices engendered by the Church I pass to prejudices engendered by the army itself, having their immediate origin in military life, but unfortunately diffusing themselves throughout the community, in widening, though less apparent circles. I allude directly to what is called *the Point of Honor*, early child of Chivalry, living representative of its barbarism.[1] It is difficult to define what is so evanescent, so impalpable, so chimerical, so unreal, and yet which exercises such fiendish

[1] The *Point of Honor* has a literature of its own, illustrated by many volumes, some idea of which may be obtained in Brunet, "Manuel du Libraire," Tom. VI. col. 1636 - 1638, under the head of *Chevalerie au Moyen Age, comprenant les Tournois, les Combats Singuliers*, etc. One of these has a title much in advance of the age in which it appeared: "Chrestienne Confutation du Point d'Honneur sur lequel la Noblesse fonde aujourd'hui ses Querelles et Monomachies," par Christ. de Chiffontaine, Paris, 1579.

power over many men, and controls the intercourse of nations. As a little water, fallen into the crevice of a rock, under the congelation of winter, swells till it bursts the thick and stony fibres, so a word or slender act, dropping into the heart of man, under the hardening influence of this pernicious sentiment, dilates till it rends in pieces the sacred depository of human affection, and the demons Hate and Strife are left to rage. The musing Hamlet saw this sentiment in its strange and unnatural potency, when his soul pictured to his contemplations an

> "army of such mass and charge,
> Led by a delicate and tender prince, ...
> Exposing what is mortal and unsure
> To all that fortune, death, and danger dare,
> *Even for an egg-shell*";

and when, again, giving to the sentiment its strongest and most popular expression, he exclaims, —

> "Rightly to be great
> Is not to stir without great argument,
> *But greatly to find quarrel in a straw,*
> *When honor 's at the stake.*"

And when is honor at stake? This inquiry opens again the argument with which I commenced, and with which I hope to close. Honor can be at stake only where justice and beneficence are at stake; it can never depend on egg-shell or straw; it can never depend on any hasty word of anger or folly, not even if followed by vulgar violence. True honor appears in the dignity of the human soul, in that highest moral and intellectual excellence which is the nearest approach to qualities we reverence as attributes of God. Our community frowns with indignation upon the profaneness of the duel, having its rise in this irrational *point of*

honor. Are you aware that you indulge the same sentiment on a gigantic scale, when you recognize this very point of honor as a proper apology for War? We have already seen that justice is in no respect promoted by War. Is True Honor promoted where justice is not?

The very word Honor, as used by the world, fails to express any elevated sentiment. How immeasurably below the sentiment of Duty! It is a word of easy virtue, that has been prostituted to the most opposite characters and transactions. From the field of Pavia, where France suffered one of the worst reverses in her annals, the defeated king writes to his mother, "All is lost, except *honor*." At a later day, the renowned French cook, Vatel, in a paroxysm of grief and mortification at the failure of two dishes for the table, exclaims, "I have lost my *honor!*" and stabs himself to the heart.[1] Montesquieu, whose writings are constellations of epigrams, calls honor a prejudice only, which he places in direct contrast with virtue, — the former being the animating principle of monarchy, and the latter the animating principle of a republic; but he reveals the inferiority of honor, as a principle, when he adds, that, in a well-governed monarchy, almost everybody is a good

[1] The death of the culinary martyr is described by Madame de Sévigné with the accustomed coldness and brilliancy of her fashionable pen (Lettres L. and LI., Tom. I. pp. 164, 165). It was attributed, she says, *to the high sense of honor he had after his own way.* Tributes multiply. A French vaudeville associates his name with that of this brilliant writer, saying, "Madame de Sévigné and Vatel are the people who *honored* the age of Louis XIV." The *Almanach des Gourmands*, in the Epistle Dedicatory of its concluding volume, addresses the venerable shade of the heroic cook: "You have proved that the *fanaticism of honor* can exist in the kitchen as well as the camp." Berchoux commemorates the dying exclamation in *La Gastronomie*, Chant III.: —

"*Je suis perdu d'honneur*, deux rôtis ont manqué."

citizen, while it is rare to meet a really good man.[1] The man of honor is not the man of virtue. By an instinct pointing to the truth, we do not apply this term to the high columnar qualities which sustain and decorate life, — parental affection, justice, benevolence, the attributes of God. He would seem to borrow a feebler phrase, showing a slight appreciation of the distinctive character to whom reverence is accorded, who should speak of father, mother, judge, angel, or finally of God, as *persons of honor*. In such sacred connections, we feel, beyond the force of any argument, the mundane character of the sentiment which plays such a part in history and even in common life.

The rule of honor is founded in the imagined necessity of resenting by force a supposed injury, whether of word or act.[2] Admit the injury received, seeming to sully the character; is it wiped away by any force, and descent to the brutal level of its author? "Could I wipe your blood from my conscience as easily as this insult from my face," said a Marshal of France, greater on this occasion than on any field of fame, "I would lay you dead at my feet." Plato, reporting the angelic wisdom of Socrates, declares, in one of those beautiful dialogues shining with stellar light across the ages,

[1] Esprit des Lois, Liv. III. ch. 3 – 7.

[2] This is well exposed in a comedy of Molière.

"*Don Pedre.* Souhaitez-vous quelque chose de moi?

"*Hali.* Oui, un conseil sur *un fait d'honneur*. Je sais qu'en ces matières il est mal-aisé de trouver un cavalier plus consommé que vous. . . . .

"Seigneur, *j'ai reçu un soufflet*. Vous savez ce qu'est un soufflet, lorsqu'il se donne à main ouverte sur le beau milieu de la joue. *J'ai ce soufflet fort sur le cœur; et je suis dans l'incertitude, si, pour me venger de l'affront, je dois me battre avec mon homme, ou bien le faire assassiner.*

"*Don Pedre.* Assassiner, c'est le plus sûr et le plus court chemin."

Le Sicilien, Sc. XIII.

that *to do a wrong is more shameful than to receive a wrong.*[1] And this benign sentiment commends itself alike to the Christian, who is bid to render good for evil, and to the enlightened soul of man. But who confessing its truth will resort to force on any point of *honor?*

In ancient Athens, as in unchristianized Christian lands, there were sophists who urged that *to suffer* was unbecoming a man, and would draw down incalculable evil. The following passage, which I translate with scrupulous literalness, will show the manner in which the moral cowardice of these persons of little faith was rebuked by him whom the gods of Greece pronounced Wisest of Men.

"These things being so, let us inquire what it is you reproach me with: whether it is well said, or not, that I, forsooth, am not able to assist either myself or any of my friends or my relations, or to save myself from the greatest dangers, but that, like the infamous, I am at the mercy of any one who may choose to smite me on the face (for this was your juvenile expression), or take away my property, or drive me out of the city, or (the extreme case) kill me, and that to be so situated is, as you say, the most shameful of all things. But my view is, — a view many times expressed already, but there is no objection to its being stated again, — *my view, I say, is, O Callicles, that to be struck on the face unjustly is not most shameful, nor to have my body mutilated, nor my purse cut; but that to strike and cut me and mine unjustly is more shameful and worse — and stealing, too,*

[1] This proposition is enforced by Socrates, with unanswerable reasoning and illustration, throughout the *Gorgias*, which Cicero read diligently while studying at Athens (De Oratore, I. 11).

and enslaving, and housebreaking, and, in general, doing any wrong whatever to me and mine, is more shameful and worse — for him who does the wrong than for me who suffer it. These things, which thus appeared to us in the former part of this discussion, are secured and bound (even if the expression be somewhat rustical) with iron and adamantine arguments, as indeed they would seem to be; and unless you, or some one stronger than you, can break them, it is impossible for any one, saying otherwise than as I now say, to speak correctly: since, for my part, *I always have the same thing to say, — that I know not how these things are, but that, of all whom I have ever discoursed with as now, no one is able to say otherwise without being ridiculous.*" [1]

Such is the wisdom of Socrates, as reported by Plato; and it has found beautiful expression in the verse of an English poet, who says, —

> "Dear as freedom is, and in my heart's
> Just estimation prized above all price,
> *I had much rather be myself the slave*
> *And wear the bonds than fasten them on him.*" [2]

The modern *point of honor* did not obtain a place in warlike antiquity. Themistocles at Salamis, when threatened with a blow, did not send a cartel to the Spartan commander. "Strike, but hear," was the response of that firm nature, which felt that true honor is gained only in the performance of duty. It was in the depths of modern barbarism, in the age of chivalry, that this sentiment shot up into wildest and rankest fancies. Not a step was taken without it. No act without reference to the "bewitching duel." And every stage in the combat, from the ceremonial at its

[1] Gorgias, Cap. LXIV.

[2] Cowper, The Task, Book II. vv. 33 - 36.

beginning to its deadly close, was measured by this fantastic law. Nobody forgets *As You Like It*, with its humorous picture of a quarrel in progress to a duel, through the seven degrees of Touchstone. Nothing more ridiculous, as nothing can be more disgusting, than the degradation in which this whole fantasy of honor had its origin, as fully appears from an authentic incident in the life of its most brilliant representative. The Chevalier Bayard, cynosure of chivalry, the good knight without fear and without reproach, battling with the Spaniard Señor Don Alonso de Soto Mayor, succeeded by a feint in striking him such a blow, that the weapon, despite the gorget, penetrated the throat four fingers deep. The wounded Spaniard grappled with his antagonist until they both rolled on the ground, when Bayard, drawing his dagger, and thrusting the point directly into the nostrils of his foe, exclaimed, "Señor Don Alonso, surrender, or you are a dead man!" — a speech which appeared superfluous, as the second of the Spaniard cried out, "Señor Bayard, he is dead already; you have conquered." The French knight "would gladly have given a hundred thousand crowns, if he had had them, to have vanquished him alive," says the Chronicle; but now falling upon his knees, he kissed the earth three times, then rose and drew his dead enemy from the field, saying to the second, "Señor Don Diego, have I done enough?" To which the other piteously replied, "Too much, Señor Bayard, for the *honor* of Spain!" when the latter very generously presented him with the corpse, it being his right, by the Law of Honor, to dispose of it as he thought proper: an act highly commended by the chivalrous Brantôme, who thinks it difficult to say which did most *honor* to the faultless knight, — not

dragging the dead body by a leg ignominiously from the field, like the carcass of a dog, or condescending to fight while suffering under an ague![1]

In such a transaction, conferring honor upon the brightest son of chivalry, we learn the real character of an age whose departure has been lamented with such touching, but inappropriate eloquence. Thank God! the age of chivalry is gone; but it cannot be allowed to prolong its fanaticism of honor into our day. This must remain with the lances, swords, and daggers by which it was guarded, or appear, if it insists, only with its inseparable American companions, bowie-knife, pistol, and rifle.

A true standard of conduct is found only in the highest civilization, with those two inspirations, justice and benevolence, — never in any barbarism, though affecting the semblance of sensibility and refinement. But this standard, while governing the relations of the individual, must be recognized by nations also. Alas! alas! how long? We still wait that happy day, now beginning to dawn, harbinger of infinite happiness beyond, when nations, like men, shall confess that it is better to receive a wrong than do a wrong.

5. There is still another influence stimulating War, and interfering with the natural attractions of Peace: I refer to a selfish and exaggerated *prejudice of country*, leading to physical aggrandizement and political exaltation at the expense of other countries, and in disre-

[1] La Tresjoyeuse, Plaisante et Recreative Hystoire, composée par le Loyal Serviteur, des Faiz, Gestes, Triumphes et Prouesses du Bon Chevalier sans Paour et sans Reprouche, le Gentil Seigneur de Bayart, Chap. XXII.: Petitot, Collection Complète des Mémoires relatifs à l'Histoire de France, Tom. XV. pp. 238–244. Brantôme, Discours sur les Duels: Œuvres, Tom. VIII. pp. 34, 35.

gard of justice. Nursed by the literature of antiquity, we imbibe the sentiment of heathen patriotism. Exclusive love for the land of birth belonged to the religion of Greece and Rome. This sentiment was material as well as exclusive. The Oracle directed the returning Roman to kiss his mother, and he kissed Mother Earth. Agamemnon, according to Æschylus, on regaining his home, after perilous separation for more than ten years at the siege of Troy, before addressing family, friend, or countryman, salutes Argos :—

"By your leave, lords, first Argos I salute."

The schoolboy does not forget the victim of Verres, with the memorable cry which was to stay the descending fasces of the lictor, "I am a Roman citizen,"—nor those other words echoing through the dark Past, "How sweet and becoming to die for country!" Of little avail the nobler cry, "I am a man," or the Christian ejaculation, swelling the soul, "How sweet and becoming to die for duty!" The beautiful genius of Cicero, instinct at times with truth almost divine, did not ascend to that heaven where it is taught that all mankind are neighbors and kindred. To the love of universal man may be applied those words by which the great Roman elevated his selfish patriotism to virtue, when he said that *country alone embraced all the charities of all.*[1] Attach this admired phrase to the single idea of country, and you see how contracted are its charities, compared with that world-wide circle where our neighbor is the suffering

[1] "Cari sunt parentes, cari liberi, propinqui, familiares; sed *omnes omnium caritates patria una complexa est.*" (De Offic., Lib. I. cap. 17.) It is curious to observe how Cicero puts aside that expression of true humanity which fell from Terence, "*Humani nihil a me alienum puto.*" He says, "*Est enim difficilis cura rerum alienarum.*" Ibid., Lib. I. cap. 9.

man, though at the farthest pole. Such a sentiment would dry up those precious fountains now diffusing themselves in distant unenlightened lands, from the icy mountains of Greenland to the coral islands of the Pacific Sea.

It is the policy of rulers to encourage this exclusive patriotism, and here they are aided by the examples of antiquity. I do not know that any one nation is permitted to reproach another with this selfishness. All are selfish. Men are taught to live, not for mankind, but only for a small portion of mankind. The pride, vanity, ambition, brutality even, which all rebuke in the individual, are accounted virtues, if displayed in the name of country. Among us the sentiment is active, while it derives new force from the point with which it has been expressed. An officer of our navy, one of the heroes nurtured by War, whose name has been praised in churches, going beyond all Greek, all Roman example, exclaimed, "Our country, *right or wrong*," — a sentiment dethroning God and enthroning the Devil, whose flagitious character must be rebuked by every honest heart. How different was virtuous Andrew Fletcher, whose heroical uprightness, amidst the trials of his time, has become immortal in the saying, that he "would readily lose his life to *serve* his country, but would not do a base thing to *save* it."[1] Better words, or more truly patriotic, were never uttered. "Our country, our whole country, and *nothing but our country*," are other delusive sounds, which, first falling from the lips of an eminent American orator, are often painted on banners, and echoed by innumerable multitudes. Cold and dreary, narrow and selfish would be

[1] Character, prefixed to Political Works, p. viii.

this life, if *nothing but our country* occupied the soul, — if the thoughts that wander through eternity, if the infinite affections of our nature, were restrained to that place where we find ourselves by the accident of birth.

By a natural sentiment we incline to the spot where we were born, to the fields that witnessed the sports of childhood, to the seat of youthful studies, and to the institutions under which we have been trained. The finger of God writes all these things indelibly upon the heart of man, so that even in death he reverts with fondness to early associations, and longs for a draught of cold water from the bucket in his father's well. This sentiment is independent of reflection: for it begins before reflection, grows with our growth, and strengthens with our strength. It is the same in all countries having the same degree of enlightenment, differing only according to enlightenment, under whose genial influence it softens and refines. It is the strongest with those least enlightened. The wretched Hottentot never travels away from his melting sun; the wretched Esquimau never travels away from his freezing cold; nor does either know or care for other lands. This is his patriotism. The same instinct belongs to animals. There is no beast not instinctively a patriot, cherishing his own country with all its traditions, which he guards instinctively against all comers. Thus again, in considering the origin of War, do we encounter the animal in man. But as human nature is elevated, as the animal is subdued, that patriotism which is without reason shares the generous change and gradually loses its barbarous egotism. To the enlarged vision a new world is disclosed, and we begin to discern the distant mountain-peaks, all gilded by the beams of morning, reveal-

ing that God has not placed us alone on this earth, but that others, equally with ourselves, are children of his care.

The curious spirit goes further, and, while recognizing an inborn attachment to the place of birth, searches into the nature of the allegiance required. According to the old idea, still too prevalent, man is made for the State, not the State for man. Far otherwise is the truth. The State is an artificial body, for the security of the people. How constantly do we find in human history that the people are sacrificed for the State, — to build the Roman name, to secure for England the trident of the sea, to carry abroad the conquering eagles of France! This is to barter the greater for the less, — to sacrifice humanity, embracing more even than country *all the charities of all*, for the sake of a mistaken grandeur.

Not that I love country less, but Humanity more, do I now and here plead the cause of a higher and truer patriotism. I cannot forget that we are men by a more sacred bond than we are citizens, — that we are children of a common Father more than we are Americans.

Thus do seeming diversities of nations — separated by accident of language, mountain, river, or sea — all disappear, and the multitudinous tribes of the globe stand forth as members of one vast Human Family, where strife is treason to Heaven, and all war is nothing else than *civil* war. In vain restrict this odious term, importing so much of horror, to the dissensions of a single community. It belongs also to feuds between nations. The soul trembles aghast in the contemplation of fields drenched with fraternal gore, where the happiness of homes is shivered by neighbors, and kinsman sinks beneath the steel nerved by a kinsman's

hand. This is civil war, accursed forever in the calendar of Time. In the faithful record of the future, recognizing the True Grandeur of Nations, the Muse of History, inspired by a loftier justice and touched to finer sensibilities, will extend to Universal Man the sympathy now confined to country, and no war will be waged without arousing everlasting judgment.

6. I might here pause, feeling that those who have accompanied me to this stage will be ready to join in condemnation of War, and to hail Peace as the only condition becoming the dignity of human nature, while it opens vistas of all kinds abundant with the most fruitful promises. But there is one other consideration, yielding to none in importance, — perhaps more important than all, being at once cause and effect, — the cause of strong prejudice in favor of War, and the effect of this prejudice. I refer to *Preparations for War* in time of Peace. Here is an immense practical evil, requiring remedy. In exposing its character too much care cannot be taken.

I shall not dwell upon the fearful cost of War itself. That is present in the mountainous accumulations of debt, piled like Ossa upon Pelion, with which civilization is pressed to earth. According to the most recent tables, the public debt of European nations, so far as known, amounts to the terrific sum of $7,777,521,840, — all the growth of War! It is said that there are throughout these nations 17,000,000 paupers, or persons subsisting at the public expense, without contributing to its resources. If these millions of public debt, forming only a part of what has been wasted in War, could

be apportioned among these poor, it would give to each $450, — a sum placing all above want, and about equal to the average wealth of an inhabitant of Massachusetts.

The public debt of Great Britain in 1842 reached to $3,827,833,102, the growth of War since 1688. This amount is equal to two thirds of all the harvest of gold and silver yielded by Spanish America, including Mexico and Peru, from the discovery of our hemisphere by Christopher Columbus to the beginning of the present century, as calculated by Humboldt.[1] It is much larger than the mass of all the precious metals constituting at this moment the circulating medium of the world. Sometimes it is rashly said, by those who have given little attention to the subject, that all this expenditure has been widely distributed, and therefore beneficial to the people; but this apology forgets that it has not been bestowed on any productive industry or useful object. The magnitude of this waste appears by contrast. For instance, the aggregate capital of all the joint-stock companies in England of which there was any known record in 1842, embracing canals, docks, bridges, insurance, banks, gaslights, water, mines, railways, and other miscellaneous objects, was about $800,000,000, — all devoted to the welfare of the people, but how much less in amount than the War Debt! For the six years preceding 1842, the average payment for interest on this debt was $141,645,157 annually. If we add to this sum the further annual outlay of $66,780,817 for the army, navy, and ordnance, we shall have $208,425,974 as the annual tax of the English people, to pay for for-

[1] New Spain, Vol. III. p. 431.

mer wars and prepare for new. During this same period, an annual appropriation of $24,858,442 was sufficient for the entire civil service. Thus War consumed ninety cents of every dollar pressed by heavy taxation from the English people. What fabulous monster, what chimæra dire, ever raged with a maw so ravenous? The remaining ten cents sufficed to maintain the splendor of the throne, the administration of justice, and diplomatic relations with foreign powers, — in short, all the more legitimate objects of a nation.[1]

Thus much for the general cost of War. Let us now look exclusively at the *Preparations for War in time of Peace.* It is one of the miseries of War, that even in Peace its evils continue to be felt beyond any other by which suffering humanity is oppressed. If Bellona withdraws from the field, we only lose sight of her flaming torches; the baying of her dogs is heard on the mountains, and civilized man thinks to find protection from their sudden fury only by inclosing himself in the barbarous armor of battle. At this moment, the Christian nations, worshipping a symbol of common brotherhood, occupy intrenched camps, with armed watch, to prevent surprise from each other. Recognizing War as Arbiter of Justice, they hold themselves perpetually ready for the bloody umpirage.

It is difficult, if not impossible, to arrive at any exact estimate of these Preparations, ranging under four different heads, — Standing Army, Navy, Fortifications, and Militia, or irregular troops.

[1] Here and in subsequent pages I have relied upon the Encyclopædia Britannica, the Annual Register, McCulloch's Commercial Dictionary, Laurie's Universal Geography, founded on the works of Malte-Brun and Balbi, and the calculations of Hon. William Jay, in War and Peace, p. 16, and in his Address before the Peace Society, pp. 28, 29.

The number of soldiers now affecting to keep the peace of European Christendom, as a *Standing Army*, without counting the Navy, is upwards of two millions: some estimates place it as high as three millions. The army of Great Britain, including the forces in India, exceeds 300,000 men; that of France, 350,000; that of Russia, 730,000, and is reckoned by some as high as 1,000,000; that of Austria, 275,000; that of Prussia, 150,000. Taking the smaller number, and supposing these two millions to require for their support an average annual sum of only $150 each, the result would be $300,000,000 for sustenance alone; and reckoning one officer to ten soldiers, and allowing to each of the latter an English shilling a day, or $88.33 a year, for wages, and to the former an average annual salary of $500, we have for the pay of the whole no less than $258,994,000, or an appalling sum-total, for both sustenance and pay, of $558,994,000 a year. If the same calculation be made, supposing the force three millions, the sum-total will be $838,491,000! But to this enormous sum must be added another still more enormous, on account of loss sustained by the withdrawal of these hardy, healthy millions, in the bloom of life, from useful, productive labor. It is supposed that it costs an average sum of $500 to rear a soldier, and that the value of his labor, if devoted to useful objects, would be $150 a year. Therefore, in setting apart two millions of men as soldiers, the Christian powers sustain a loss of $1,000,000,000 on account of training, and $300,000,000 on account of labor, in addition to the millions annually expended for sustenance and pay. So much for the Standing Army of Christian Europe in time of Peace.

Glance now at the *Navy*. The Royal Navy of Great Britain consists at present of 557 ships; but deducting such as are used for convict ships, floating chapels, and coal depots, the efficient Navy comprises 88 ships of the line, 109 frigates, 190 small frigates, corvettes, brigs, and cutters, including packets, 65 steamers of various sizes, 3 troop-ships and yachts: in all, 455 ships. Of these, in 1839, 190 were in commission, carrying in all 4,202 guns, with crews numbering 34,465 men. The Navy of France, though not comparable with that of England, is of vast force. By royal ordinance of 1st January, 1837, it was fixed in time of peace at 40 ships of the line, 50 frigates, 40 steamers, and 19 smaller vessels, with crews numbering, in 1839, 20,317 men. The Russian Navy is composed of two large fleets,—one in the Gulf of Finland, and the other in the Black Sea; but the exact amount of their force is a subject of dispute among naval men and publicists. Some idea of the Navy may be derived from the number of hands. The crews of the Baltic amounted, in 1837, to not less than 30,800 men, and those of the Black Sea to 19,800, or altogether 50,600,—being nearly equal to those of England and France combined. The Austrian Navy comprised, in 1837, 8 ships of the line, 8 frigates, 4 sloops, 6 brigs, 7 schooners or galleys, and smaller vessels: the number of men in its service, in 1839, was 4,547. The Navy of Denmark comprised, at the close of 1837, 7 ships of the line, 7 frigates, 5 sloops, 6 brigs, 3 schooners, 5 cutters, 58 gunboats, 6 gun-rafts, and 3 bomb-vessels, requiring about 6,500 men. The Navy of Sweden and Norway consisted recently of 238 gunboats, 11 ships of the line, 8 frigates, 4 corvettes, and 6 brigs, with several smaller vessels. The Navy of

Greece has 32 ships of war, carrying 190 guns, with 2,400 men. The Navy of Holland, in 1839, had 8 ships of the line, 21 frigates, 15 corvettes, 21 brigs, and 95 gunboats. Of the untold cost absorbed in these mighty Preparations it is impossible to form an accurate idea. But we may lament that means so gigantic are applied by Christian Europe, in time of Peace, to the construction and maintenance of such superfluous wooden walls.

In the *Fortifications and Arsenals* of Europe, crowning every height, commanding every valley, frowning over every plain and every sea, wealth beyond calculation has been sunk. Who can tell the immense sums expended in hollowing out the living rock of Gibraltar? Who can calculate the cost of all the Preparations at Woolwich, its 27,000 cannon, and its small arms counted by hundreds of thousands? France alone contains more than one hundred and twenty fortified places; and it is supposed that the yet unfinished fortifications of Paris have cost upward of *fifty millions of dollars.*

The cost of the *Militia,* or irregular troops, the Yeomanry of England, the National Guard of Paris, and the *Landwehr* and *Landsturm* of Prussia, must add other incalculable sums to these enormous amounts.

Turn now to the United States, separated by a broad ocean from immediate contact with the Great Powers of Christendom, bound by treaties of amity and commerce with all the nations of the earth, connected with all by strong ties of mutual interest, and professing a devotion to the principles of Peace. Are Treaties of Amity mere words? Are relations of Commerce and mutual interest mere things of a day? Are professions

of Peace vain? Else why not repose in quiet, unvexed by Preparations for War?

Colossal as are European expenditures for these purposes, they are still greater among us in proportion to other expenses of the National Government.

It appears that the average *annual* expenses of the National Government, for the six years ending 1840, exclusive of payments on account of debt, were $26,474,892. Of this sum, the average appropriation each year for military and naval purposes amounted to $21,328,903, being eighty per cent. Yes, — of all the annual appropriations by the National Government, eighty cents in every dollar were applied in this unproductive manner. The remaining twenty cents sufficed to maintain the Government in all its branches, Executive, Legislative, and Judicial, — the administration of justice, our relations with foreign nations, the post-office, and all the lighthouses, which, in happy, useful contrast with the forts, shed their cheerful signals over the rough waves beating upon our long and indented coast, from the Bay of Fundy to the mouth of the Mississippi. The relative expenditures of nations for Military Preparations in time of Peace, exclusive of payments on account of debts, when accurately understood, must surprise the advocates of economy in our country. In proportion to the whole expenditure of Government, they are, in Austria, as 33 per cent; in France, as 38 per cent; in Prussia, as 44 per cent; in Great Britain, as 74 per cent; in the UNITED STATES, as 80 per cent![1]

[1] I have verified these results, but do little more than follow Judge Jay, who has illustrated this important point with his accustomed accuracy. — *Address before the American Peace Society*, p. 30.

To this stupendous waste may be added the still larger and equally superfluous expenses of the Militia throughout the country, placed recently by a candid and able writer at $50,000,000 a year![1]

By a table of the National expenditures,[2] exclusive of payments on account of the Public Debt, it appears, that, *in fifty-four years from the formation of our present Government,* that is, from 1789 down to 1843, $155,282,217 were expended for civil purposes, comprehending the executive, the legislative, the judiciary, the post-office, light-houses, and intercourse with foreign governments. During this same period, $370,981,521 were devoted to the Military establishment, and $169,707,214 to the Naval establishment, — the two forming an aggregate of $540,688,735. Deducting from this amount appropriations during three years of War, and we find that more than *four hundred and sixty millions* were absorbed by vain Preparations for War in time of Peace. Add to this amount a moderate sum for the expenses of the Militia during the same period, which, as we have seen, are placed at $50,000,000 a year, — for the past years we may take an average of $25,000,000, — and we have the enormous sum-total of $1,350,000,000 piled upon the $460,000,000, the whole amounting to *eighteen hundred and ten millions* of dollars, a sum not easily conceived by the human faculties, sunk, under the sanction of the National Government, in mere *peaceful Preparations for War:* almost *twelve times* as much as was dedicated by the National Government, during the same period, to all other purposes whatsoever.

[1] Jay, War and Peace, p. 13.

[2] Executive Document No. 15, Twenty-Eighth Congress, First Session, pp. 1018 - 19.

From this serried array of figures the mind instinctively recoils. If we examine them from a nearer point of view, and, selecting some particular item, compare it with the figures representing other interests in the community, they will present a front still more dread.

Within cannon-range of this city stands an institution of learning which was one of the earliest cares of our forefathers, the conscientious Puritans. Favored child in an age of trial and struggle, — carefully nursed through a period of hardship and anxiety, — endowed at that time by the oblations of men like Harvard, — sustained from its first foundation by the parental arm of the Commonwealth, by a constant succession of munificent bequests, and by the prayers of good men, — the University at Cambridge now invites our homage, as the most ancient, most interesting, and most important seat of learning in the land, — possessing the oldest and most valuable library, — one of the largest museums of mineralogy and natural history, — with a School of Law which annually receives into its bosom more than one hundred and fifty sons from all parts of the Union, where they listen to instruction from professors whose names are among the most valuable possessions of the land, — also a School of Divinity, fount of true learning and piety, — also one of the largest and most flourishing Schools of Medicine in the country, — and besides these, a general body of teachers, twenty-seven in number, many of whose names help to keep the name of the country respectable in every part of the globe, where science, learning, and taste are cherished, — the whole presided over at this moment by a gentleman early distinguished in public life by unconquerable energy and masculine eloquence, at a later period by

the unsurpassed ability with which he administered the affairs of our city, and now, in a green old age, full of years and honors, preparing to lay down his present high trust.[1] Such is Harvard University; and as one of the humblest of her children, happy in the memories of a youth nurtured in her classic retreats, I cannot allude to her without an expression of filial affection and respect.

It appears from the last Report of the Treasurer, that the whole available property of the University, the various accumulation of more than two centuries of generosity, amounts to $703,175.

Change the scene, and cast your eyes upon another object. There now swings idly at her moorings in this harbor a ship of the line, the Ohio, carrying ninety guns, finished as late as 1836 at an expense of $547,888, — repaired only two years afterwards, in 1838, for $233,012, — with an armament which has cost $53,945, — making an aggregate of $834,845, as the actual outlay at this moment for that single ship,[2] — more than $100,000 beyond all the available wealth of the richest and most ancient seat of learning in the land! Choose ye, my fellow-citizens of a Christian state, between the two caskets, — that wherein is the loveliness of truth, or that which contains the carrion death.

I refer to the Ohio because this ship happens to be in our waters; but I do not take the strongest case afforded by our Navy. Other ships have absorbed larger sums. The expense of the Delaware, in 1842, had reached $1,051,000.

[1] Hon. Josiah Quincy.

[2] Executive Document No. 132, Twenty-Seventh Congress, Third Session.

Pursue the comparison still further. The expenditures of the University during the last year, for the general purposes of the College, the instruction of the Undergraduates, and for the Schools of Law and Divinity, amounted to $47,935. The cost of the Ohio for one year of service, in salaries, wages, and provisions, is $220,000, — being $172,000 above the annual expenditures of the University, and more than *four times* as much as those expenditures. In other words, for the annual sum lavished on a single ship of the line, *four* institutions like Harvard University might be supported.

Furthermore, the pay of the Captain of a ship like the Ohio is $4,500, when in service, — $3,500, when on leave of absence, or off duty. The salary of the President of Harvard University is $2,235, without leave of absence, and never off duty.

If the large endowments of Harvard University are dwarfed by comparison with a single ship of the line, how must it be with other institutions of learning and beneficence, less favored by the bounty of many generations? The average cost of a sloop of war is $315,000, — more, probably, than all the endowments of those twin stars of learning in the Western part of Massachusetts, the Colleges at Williamstown and Amherst, and of that single star in the East, the guide to many ingenuous youth, the Seminary at Andover. The yearly expense of a sloop of war in service is about $50,000, — more than the annual expenditures of these three institutions combined.

I might press the comparison with other institutions of beneficence, — with our annual appropriations for the Blind, that noble and successful charity which

sheds true lustre upon the Commonwealth, amounting to $12,000, and for the Insane, another charity dear to humanity, amounting to $27,844.

Take all the institutions of Learning and Beneficence, the crown jewels of the Commonwealth, schools, colleges, hospitals, asylums, and the sums by which they have been purchased and preserved are trivial and beggarly, compared with the treasures squandered within the borders of Massachusetts in vain Preparations for War, — upon the Navy Yard at Charlestown, with its stores on hand, costing $4,741,000, — the fortifications in the harbors of Massachusetts, where untold sums are already sunk, and it is now proposed to sink $3,875,000 more,[1] — and the Arsenal at Springfield, containing, in 1842, 175,118 muskets, valued at $2,099,998,[2] and maintained by an annual appropriation of $200,000, whose highest value will ever be, in the judgment of all lovers of truth, that it inspired a poem which in influence will be mightier than a battle, and will endure when arsenals and fortifications have crumbled to earth. Some of the verses of this Psalm of Peace may relieve the detail of statistics, while they happily blend with my argument.

> "Were half the power that fills the world with terror,
> Were half the wealth bestowed on camps and courts,
> Given to redeem the human mind from error,
> There were no need of arsenals or forts:
>
> "The warrior's name would be a name abhorred,
> And every nation that should lift again
> Its hand against a brother on its forehead
> Would wear forevermore the curse of Cain." [3]

[1] Report of Secretary of War, Senate Document No. 2, Twenty-Seventh Congress, Second Session, — where we are asked to invest in a general system of land defences $51,677,929.

[2] Executive Document No. 3, Twenty-Seventh Congress, Third Session.

[3] Longfellow, The Arsenal at Springfield.

Turn now to a high and peculiar interest of the nation, the administration of justice. Perhaps no part of our system is regarded with more pride and confidence, especially by the enlightened sense of the country. To this, indeed, all other concerns of Government, with all its complications of machinery, are in a manner subordinate, since it is for the sake of justice that men come together in communities and establish laws. What part of the Government can compare in importance with the National Judiciary, that great balance-wheel of the Constitution, controlling the relations of the several States to each other, the legislation of Congress and of the States, besides private interests to an incalculable amount? Nor can the citizen who discerns the true glory of his country fail to recognize in the immortal judgments of MARSHALL, now departed, and of STORY, who is still spared to us — *serus in cœlum redeat!* — a higher claim to admiration and gratitude than can be found in any triumph of battle. The expenses of this great department under the National Government, in 1842, embracing the cost of court-houses, the salaries of judges, the pay of juries, and of all the law officers throughout the United States, in short, all the outlay by which justice, according to the requirement of Magna Charta, is carried to every man's door, amounted to $560,990, — a larger sum than is usually appropriated for this purpose, but how insignificant, compared with the cormorant demands of Army and Navy!

Let me allude to one more curiosity of waste. By a calculation founded on the expenses of the Navy it appears that the average cost of each gun carried over the ocean for one year amounts to about fifteen thou-

sand dollars, — a sum sufficient to maintain ten or even twenty professors of Colleges, and equal to the salaries of all the Judges of the Supreme Court of Massachusetts and the Governor combined!

Such are illustrations of that tax which nations constituting the great Federation of Civilization, including our own country, impose on the people, in time of profound peace, for no permanent productive work, for no institution of learning, for no gentle charity, for no purpose of good. Wearily climbing from expenditure to expenditure, from waste to waste, we seem to pass beyond the region of ordinary measurement; Alps on Alps arise, on whose crowning heights of everlasting cold, far above the habitations of man, where no green thing lives, where no creature draws breath, we behold the sharp, icy, flashing glacier of War.

In the contemplation of this spectacle the soul swells with alternate despair and hope: with despair, at the thought of such wealth, capable of such service to Humanity, not merely wasted, but bestowed to perpetuate Hate; with hope, as the blessed vision arises of all these incalculable means secured to purposes of Peace. The whole world labors with poverty and distress; and the painful question occurs in Europe more than here, What shall become of the poor, — the increasing Standing Army of the poor? Could the voice that now addresses you penetrate those distant councils, or councils nearer home, it would say, Disband your Standing Armies of soldiers, employ your Navies in peaceful and enriching commerce, abandon Fortifications and Arsenals, or dedicate them to works of Beneficence, as the statue of Jupiter Capitolinus was changed to the image

of a Christian saint; in fine, utterly renounce the present incongruous system of *Armed Peace.*

That I may not seem to accept this conclusion too hastily, at least as regards our own country, I shall consider the asserted usefulness of the national armaments, — and then expose the fallacy, at least in the present age and among Christian nations, of the maxim, that in time of Peace we must prepare for War.

For what use is the Standing Army of the United States? For many generations it has been a principle of freedom to avoid a standing army; and one of the complaints in the Declaration of Independence was, that George the Third had quartered large bodies of troops in the Colonies. For the first years after the adoption of the National Constitution, during our period of weakness, before our power was assured, before our name had become respected in the family of nations, under the administration of Washington, a small sum was ample for the military establishment of the United States. It was at a later day that the country, touched by martial insanity, abandoned the true economy of a Republic, and, in imitation of monarchical powers, lavished means, grudged to Peace, in vain preparation for War. It may now be said of our Army, as Dunning said of the influence of the Crown, it has increased, is increasing, and ought to be diminished. At this moment there are in the country more than sixty military posts. For any of these it would be difficult to present a reasonable apology, — unless, perhaps, on some distant Indian frontier. Of what use is the detachment of the Second Artillery at the quiet town of New London, in Connecticut? Of what use is the detach-

ment of the First Artillery in that pleasant resort of fashion, Newport? By exhilarating music and showy parade they may amuse an idle hour; but is it not equally true that emotions of a different character will be aroused in thoughtful bosoms? He must have lost something of sensibility to the dignity of human nature who can observe, without at least a passing regret, all the details of discipline — drill, marching, countermarching — which fill the life of the soldier, and prepare him to become the rude, inanimate part of that *machine* to which an army is likened by the great living master of the Art of War.[1] And this sensibility may be more disturbed by the spectacle of ingenuous youth, in chosen numbers, under the auspices of the Government, amidst the bewitching scenery of West Point, painfully trained to these same exercises, — at a cost to the country, since the establishment of this Academy, of above four millions of dollars.

In Europe, Standing Armies are supposed to be needed in support of Government; but this excuse cannot prevail here. The monarchs of the Old World, like the chiefs of the ancient German tribes, are upborne on the shields of the soldiery. Happily, with us, Government needs no janizaries. The hearts of the people are a sufficient support.

I hear a voice from some defender of this abuse, some upholder of this "rotten borough," crying, The Army is needed for defence! As well might you say that the shadow is needed for defence. For what is the Army of the United States, but the feeble shadow of the American people? *In placing the Army on its present footing, so small in numbers, compared with the forces of great*

[1] The Duke of Wellington.

European States, our Government tacitly admits its superfluousness for defence. It only remains to declare that the country will repose in the consciousness of right, without the extravagance of soldiers, unproductive consumers of the fruits of the earth, who might do the country good service in the various departments of useful industry.

For what use is the Navy of the United States? The annual expense of our Navy, during recent years, has been upwards of six millions of dollars. For what purpose? Not for the apprehension of pirates, since frigates and ships of the line are of too great bulk for this service. Not for the suppression of the Slave Trade; for, under the stipulations with Great Britain, we employ only eighty guns in this holy alliance. Not to protect our coasts; for all agree that our few ships would form an unavailing defence against any serious attack. Not for these purposes, you admit; *but for the protection of our Navigation.* This is not the occasion for minute estimates. Suffice it to say, that an intelligent merchant, extensively engaged in commerce for the last twenty years, and who speaks, therefore, with the authority of knowledge, has demonstrated, in a tract of perfect clearness,[1] that the annual profits of the whole mercantile marine of the country do not equal the annual expenditure of our Navy. Admitting the profit of a merchant ship to be four thousand dollars a year, which is a large allowance, it will take the earnings of one hundred ships to build and employ for one year a single sloop of war, of one hundred and fifty ships to build and employ a frigate, and of nearly three hundred

[1] I refer to the pamphlet of S. E. Coues, "United States Navy: What is its Use?"

ships to build and employ a ship of the line. Thus more than five hundred ships must do a profitable business to earn a sufficient sum for the support of this little fleet. Still further, taking a received estimate putting the mercantile marine of the United States at forty millions of dollars, we find that it is only a little more than six times the annual cost of the Navy; so that this interest is protected at a charge of more than *fifteen per cent* of its whole value! Protection at such price is not less ruinous than one of Pyrrhus's victories.

It is to the Navy as an unnecessary arm of national defence, and part of the War establishment, that I confine my objection. So far as it is required for science, or for the *police* of the seas, — to scour them of pirates, and, above all, to defeat the hateful traffic in human flesh, — it is a fit engine of Government, and cannot be obnoxious as a portion of the machinery of War. But, surely, a most costly navy to protect navigation in time of Peace against assaults from civilized nations is absurdly superfluous. The free cities of Hamburg and Bremen, survivors of the powerful Hanseatic League, with a commerce whitening the most distant seas, are without a single ship of war. Following this prudent example, the United States might be willing to abandon an institution already become a vain and expensive toy.

For what use are the Fortifications of the United States? We have already seen the enormous sums locked in the odious mortmain of their everlasting masonry. Like the Pyramids, they seem by mass and solidity to defy Time. Nor can I doubt that hereafter, like these same monuments, they will be looked upon with wonder, as the types of an extinct superstition, not

less degrading than that of Ancient Egypt. Under the pretence of saving the country from conquest and bloodshed they are reared. But whence the danger? On what side? What people to fear? No civilized nation threatens our borders with rapine or trespass. None will. Nor, in the existing state of civilization, and under existing International Law, is it possible to suppose any war with such a nation, unless, renouncing the peaceful Tribunal of Arbitration, we voluntarily appeal to Trial by Battle. The fortifications might be of service then. But perhaps they would invite the attack they might be inadequate to defeat. According to a modern rule, illustrated with admirable ability in the diplomatic correspondence of Mr. Webster, non-combatants and their property on land are not molested. So firmly did the Duke of Wellington act upon this rule, that, throughout the revengeful campaigns of Spain, and afterwards entering France, flushed with the victory of Waterloo, he directed his army to pay for all provisions, even the forage of their horses. War is carried on against *public* property, — against *fortifications, navy-yards, and arsenals.* If these do not exist, where is its aliment, where the fuel for the flame? Paradoxical as it seems, and disparaging to the whole trade of War, it may be proper to inquire, whether, according to acknowledged laws, now governing this bloody arbitrament, every new fortification and every additional gun in our harbor is not less a safeguard than a danger. Do they not draw the lightning of battle upon our homes, without, alas! any conductor to hurry its terrors innocently beneath the concealing bosom of the earth?

For what use is the Militia of the United States?

This immense system spreads, with innumerable suckers, over the whole country, draining its best life-blood, the unbought energies of our youth. The same painful discipline which we observe in the soldier absorbs their time, though to a less degree than in the Regular Army. Theirs also is the savage pomp of War. We read with astonishment of the painted flesh and uncouth vestments of our progenitors, the ancient Britons. But the generation will come, that must regard with equal wonder the pictures of their ancestors closely dressed in padded and well-buttoned coats of blue "besmeared with gold," surmounted by a huge mountain-cap of shaggy bear-skin, and with a barbarous device, typical of brute force, *a tiger*, painted on oil-skin tied with leather to their backs! In the streets of Pisa the galley-slaves are compelled to wear dresses stamped with the name of the crime for which they are suffering punishment, — as theft, robbery, murder. Is it not a little strange that Christians, living in a land "where bells have tolled to church," should voluntarily adopt devices which, if they have any meaning, recognize the example of beasts as worthy of imitation by man?

The general considerations belonging to Preparations for War illustrate the inanity of the Militia for purposes of *national defence*. I do not know, indeed, that it is now strongly urged on this ground. It is oftener approved as an important part of the *police*. I would not undervalue the advantage of an active, efficient, ever-wakeful police; and I believe that such a police has been long required. But the Militia, where youth and character are without the strength of experience, is inadequate for this purpose. No person who has seen this arm of the police in an actual riot can hesitate in

this judgment. A very small portion of the means absorbed by the Militia would provide a substantial police, competent to all the domestic emergencies of disorder and violence. The city of Boston has discarded a Fire Department composed of *accidental volunteers.* Why not do the same with the police, and set another example to the country?

I am well aware that efforts to reduce the Militia are encountered by some of the dearest prejudices of the common mind, — not only by the War Spirit, but by that other, which first animates childhood, and, at a later day, "children of a larger growth," inviting to finery of dress and parade, — the same which fantastically bedecks the dusky feather-cinctured chief of the soft regions warmed by the tropical sun, — which inserts a ring in the nose of the North American Indian, — which slits the ears of the Australian savage, and tattoos the New Zealand cannibal.

Such are the national armaments, in their true character and value. Thus far I have regarded them in the plainest light of ordinary worldly economy, without reference to those higher considerations, drawn from the nature and history of man and the truths of Christianity, which pronounce them vain. It is grateful to know, that, though having yet the support of what Jeremy Taylor calls "popular noises," the other more economical, more humane, more wise, more Christian system is daily commending itself to good people. On its side are all the virtues that truly elevate a state. Economy, sick of pygmy efforts to stanch the smallest fountain and rill of exuberant expenditure, pleads that here is a measureless, fathomless, endless river, an

Amazon of waste, rolling its prodigal waters turbidly, ruinously, hatefully, to the sea. It chides us with unnatural inconsistency, when we strain at a little twine and paper, and swallow the monstrous cables and armaments of War. Humanity pleads for the surpassing interests of Knowledge and Benevolence, from which such mighty means are withdrawn. Wisdom frowns on these Preparations, as nursing sentiments inconsistent with Peace; Christianity calmly rebukes the spirit in which they have their origin, as of little faith, and treacherous to her high behests; while History, exhibiting the sure, though gradual, Progress of Man, points with unerring finger to that destiny of True Grandeur, when nations, like individuals, disowning War as a proper Arbiter of Justice, shall abandon the oppressive apparatus of Armies, Navies, and Fortifications, by which it is waged.

Before considering the familiar injunction, *In time of Peace prepare for War*, I hope I shall not seem to descend from the proper sphere of this discussion, if I refer to the parade of *barbarous mottoes*, and of *emblems from beasts*, as another impediment to the proper appreciation of these Preparations. These mottoes and emblems, prompting to War, are obtruded on the very ensigns of power and honor, and, careless of their discreditable import, men learn to regard them with patriotic pride. In the armorial bearings of nations and individuals, beasts and birds of prey are the exemplars of True Grandeur. The lion appears on the flag of England; the leopard on the flag of Scotland; a double-headed eagle spreads its wings on the imperial standard of Austria, and again on that of Russia; while

a single-headed eagle was adopted on the Napoleonic seal, and thus far the same single-headed bird is enough for Prussia. The pennons of knights, after exhausting the known kingdom of Nature, were disfigured by imaginary and impossible monsters, griffins, hippogriffs, unicorns, all intended to represent the exaggeration of brute force. The people of Massachusetts unconsciously adopt this early standard. The escutcheon used as the seal of the State has an unfortunate combination, to which I refer briefly by way of example. On that part in the language of heraldry termed the *shield* stands an Indian with a bow in his hand, — certainly no agreeable memento, except to those who find honor in the disgraceful wars where our fathers robbed and murdered King Philip of Pokanoket, and his tribe, rightful possessors of the soil. The *crest* is a raised arm *holding a drawn sabre in a threatening attitude*, — being precisely the emblem once borne on the flag of Algiers. The *scroll*, or legend, is the latter of two favorite verses, in modern Latin, which are not traced to any origin more remote than Algernon Sidney, by whom they were inscribed in an album at Copenhagen: —

"Manus hæc inimica tyrannis
Ense petit placidam sub libertate quietem."[1]

[1] The Earl of Leicester, father of Sidney, in an anxious letter, August 30, 1660, writes his son: "It is said that the University of Copenhagen brought their Album unto you, desiring you to write something therein, and that you did *scribere in Albo* these words [setting forth the verses], and put your name to it"; and then he adds, "This cannot but be publicly known, if it be true. . . . . Either you must live in exile or very privately here, and perhaps not safely." The restoration of Charles the Second had just taken place. (Meadley, Memoirs of Algernon Sidney, pp. 84, 323–325.) Lord Molesworth, in a work which first appeared in 1694, mentions the verses as written by Sidney in "the Book of Mottoes in the King's Library," and then tells the story, that the French Ambassador, who did not know a word of

With singular unanimity, the Legislature of Massachusetts has expressed an earnest desire for the establishment of a High Court of Nations to adjudge international controversies, and thus supersede the Arbitrament of War. It would be an act of moral dignity consistent with these professions, and becoming the character it vaunts before the world, if it abandoned the bellicose escutcheon, — at least, that *Algerine* emblem, fit only for corsairs, if not also the Latin motto with its menace of the sword. If a Latin substitute for the latter be needed, it might be those words of Virgil, "*Pacisque* imponere morem,"[1] or that sentence of noble truth from Cicero, "Sine SUMMA JUSTITIA rempublicam geri nullo modo posse":[2] the first a homage to Peace, and the second a consecration to Justice. Where such a spirit prevailed, there would be little occasion to consider the question of War Preparations.

Massachusetts is not alone in the bellicose anachronism of her banner. The nation is in the same category. Our fathers would have hesitated long before accepting the eagle for the national escutcheon, had they recalled the pungent words of Erasmus on this most unrepublican bird. "Let any physiognomist, not a blunderer in his trade," says this most learned scholar, "consider the look and features of an eagle, those rapacious and wicked eyes, that menacing curve of the beak, those cruel cheeks, that stern front, — will he

Latin, on learning their meaning, tore them from the book, as a libel on the French government, and its influence in Denmark. (Molesworth, Account of Denmark, Preface.) The inference from this narrative would seem to be that the verses were by Sidney himself.

[1] Æneid, VI. 852.

[2] De Republica, Lib. II. cap. 43.

not at once recognize *the image of a king*, a magnificent and majestic king? Add to these a dark, ill-omened color, an unpleasing, dreadful, appalling voice, and that threatening scream at which every kind of animal trembles." Proceeding with his indictment, he describes the eagle in old age as satisfied with nothing but blood, with which he prolongs his hateful life, the upper mandible growing so that he cannot feed on flesh, while the natural rapacity continues, — all of which typifies the wicked prince. But the scholar becomes orator, when, after mentioning that there are innumerable species of birds, some admirable for richness of plumage, some remarkable for snowy whiteness, some shining with befitting blackness, some pre-eminent in bodily stature, some notable for fecundity, some grateful at the rich banquet, some pleasant from loquacity, some captivating in song, some distinguished for courage, some created for the entertainment of man, — he proceeds to say: "Of all birds, the eagle alone has seemed to wise men *the apt type of royalty:* not beautiful, not musical, not fit for food, — but carnivorous, ravenous, plundering, destroying, fighting, solitary, hateful to all, the curse of all, and though able to do the greatest harm, yet wishing to do more than he can."[1] Erasmus, who says this and much more, is no mean authority. Brightest and best among the scholars who illustrated the modern revival of letters, loving peace, and detesting kings, he acquired a contemporary power and fame such as letters never bestowed before, if since, — at least until Voltaire, kindred in versatile genius, mounted the throne. In all the homage profusely offered to the latter there was

[1] Erasmi Adagia, Chil. III. Cent. VII. Prov. 1: *Scarabæus aquilam quærit.* Hallam, Literature of Europe, Part I. ch. 4. sec. 43, 44.

nothing stronger than that of Luther to Erasmus, when the great Reformer asked, "Who is the man whose soul Erasmus does not occupy, whom Erasmus does not instruct, over whom Erasmus does not reign?" His face is still familiar from the devotion of two great artists, Albert Dürer and Hans Holbein, each of whom has left to us his portrait, — while he is commemorated by a bronze statue in Rotterdam, his birthplace, and by a monument in the ancient cathedral at Basel, where he died. It is this renowned scholar who castigates our eagle. Doubtless for fighting qualities this royal bird was transferred to the coin and seal of a Republic. His presence there shows the spirit which unconsciously prevailed; and this same presence, beyond all question, exercises a certain influence, especially with the young, nursing a pride in that beak and those pounces which are the menace of War.

The maxim, *In time of Peace prepare for War*,[1] is transmitted from distant ages, when brute force was the general law. It is the terrible inheritance which painfully reminds present generations of their connection with the Past. It belongs to the dogmas of barbarism. It is the companion of harsh, tyrannical rules by which the happiness of the many is offered up to the few. It is the child of suspicion, and the forerun-

[1] If countenance were needed in thus exposing a pernicious maxim, I might find it in the German philosopher Kant, whose work on Perpetual Peace treats it with very little respect. (Kant, Sämmtliche Werke, Band VII., *Zum Ewigen Frieden*, § 1.) Since this Oration, Sir Robert Peel and the Earl of Aberdeen, each Prime Minister of England, and practically conversant with the question, have given their valuable testimony in the same direction. Life has its surprises; and I confess one in my own, when the latter, in conversation on this maxim, most kindly thanked me for what I had said against it.

ner of violence. Having in its favor almost uninterrupted usage, it possesses a hold on popular opinion not easily unloosed. And yet no conscientious man can fail, on careful observation, to detect its mischievous fallacy, — *at least among Christian nations in the present age,* — a fallacy the most costly the world has witnessed, dooming nations to annual tribute in comparison with which the extortions of conquest are as the widow's mite. So true is what Rousseau said, and Guizot has since repeated, that "a bad principle is far worse than a bad fact"; for the operations of the latter are finite, while those of the former are infinite.

I speak of this principle with earnestness; for I believe it erroneous and false, founded in ignorance and wrong, unworthy of civilization, and disgraceful to Christians. I call it a principle; but it is a mere *prejudice,* — sustained by vulgar example only, and not by enlightened truth, — obeying which, we imitate the early mariners, who, steering from headland to headland, hugged the shore, unwilling to venture upon the broad ocean, with the luminaries of heaven for their guide. If not yet discerned in its true character, it is because the clear light of truth is discolored and refracted by an atmosphere where the cloud of War covers all.

Dismissing the actual usage on the one side, and considerations of economy on the other, I would regard these Preparations in the simple light of reason, in a just appreciation of the nature of man, and in the injunctions of the highest truth. Our conclusion will be very easy. They are twice pernicious, and whoso would vindicate them must satisfactorily answer these two objections: *first,* that they inflame the people, ex-

citing to deeds of violence, otherwise alien to the mind; and, *secondly*, that, having their origin in the low motives of distrust and hate, inevitably, by a sure law of the human mind, they excite to corresponding action in other nations. Thus, in fact, are they *promoters of War*, rather than *preservers of Peace*.

In illustration of the *first* objection, it will occur at once to every inquirer that the possession of power is in itself dangerous, tempting the purest and highest, and too rarely enjoyed without abuse. Nor is the power to employ force in War an exception. Nations possessing the greatest armaments are the most belligerent. It is the feebler powers which enjoy eras of Peace. Throughout more than seven hundred years of Roman history resounds the din of War, with only two short lulls of Peace; and in modern times this din has been echoed from France. But Switzerland has had no din. Less prepared, this Republic had less incentive to War. Not only in nations do we find this law. It applies to individuals also. The same din which resounded in Rome and was echoed from France has filled common life, and from the same cause. The *wearing of arms* has been a provocative, too often exciting, as it furnished the weapon of strife. The odious system of private quarrels, with altercation and hostile meetings even in the street, disgracing the social life of modern Europe, continued with this habit. This was its origin. But who can measure the extent of its influence? Dead bodies stretched on the pavements, and vacant chairs at home, were the contemporary witnesses. If death was hasty and unpremeditated, it was only according to the law of such encounter. Poets and authors, wearing arms, were exposed to the rude chances. The dramatist Mar-

lowe, in some respects almost Shakespearian, "renowned for his rare art and wit," perished ignominiously under the weapon of a vulgar adversary; and Savage, whose genius and misfortune inspired the friendship and praise of Samuel Johnson, was tried at the Old Bailey for murder committed in a sudden broil. Nothing of this could have occurred without the habit of wearing arms, which was a fashion. Out of this came the *Dance of Death.*

This pernicious influence is illustrated by Judge Jay with admirable plainness. He shows the individual as an example to nations. Listen, a moment, to what he says so well. "The expert swordsman, the practised marksman, is ever more ready to engage in personal combats than the man who is unaccustomed to the use of deadly weapons. In those portions of our country where it is supposed essential to personal safety to go armed with pistols and bowie-knives mortal affrays are so frequent as to excite but little attention, and to secure, with exceedingly rare exceptions, perfect impunity to the murderer; whereas at the North and East, where we are unprovided with such facilities for taking life, comparatively few murders of the kind are perpetrated. We might, indeed, safely submit the decision of the principle we are discussing to the calculations of pecuniary interest. Let two men, equal in age and health, apply for an insurance on their lives, — one known to be ever armed to defend his honor and his life against every assailant, and the other a meek, unresisting Quaker: can we doubt for a moment which of these men would be deemed by an Insurance Company most likely to reach a good old age?"[1]

[1] Address before the American Peace Society, pp. 23, 24.

With this practical statement and its strong sense I leave this objection to War Preparations, adding a single supplementary remark, — What is good for the individual is good for nations.

The *second* objection, though different in character, is not less operative. It is founded on that law of human nature according to which the very hate or distrust to which these Preparations testify excites in others a corresponding sentiment. This law is general and fundamental. Though rarely recognized by nations as a rule of conduct, it was never without its influence on individuals. Indeed, it is little more than a practical illustration of the Horatian adage, *Si vis me flere, dolendum est primum ipsi tibi:* If you wish me to weep, you must yourself first grieve. Nobody questions its truth or applicability. But does it not proclaim that War Preparations in a period of professed Peace must naturally prompt adverse Preparations, and everywhere within the circle of their influence quicken the Spirit of War? So are we all knit together that the feelings in our own bosoms awaken corresponding feelings in the bosoms of others, — as harp answers to harp in its softest vibration, as deep responds to deep in the might of its power. What in us is good invites the good in our brother; generosity begets generosity; love wins love; Peace secures Peace; — while all in us that is bad challenges the bad in our brother; distrust engenders distrust; hate provokes hate; War arouses War. Therefore are we admonished to avoid such appeal, and this is the voice of Nature itself.

This beautiful law is everywhere. The wretched maniac, in whose mind the common principles of conduct are overthrown, confesses its overruling power;

and the vacant stare of madness is illumined by a word of love. The wild beasts confess it: and what is the story of Orpheus, whose music drew in listening rapture the lions and panthers of the forest, or of St. Jerome, whose kindness soothed the lion to lie down at his feet, but expressions of its prevailing power?[1]

Even a fable may testify. I would not be tempted too far, but, at the risk of protracting this discussion, I cannot forget illustrations which show how poetry at least, if not history, has interpreted the heart of man.

Looking back to the historic dawn, one of the most touching scenes illumined by that auroral light is the peaceful visit of the aged Priam to the tent of Achilles, entreating the body of his son. The fierce combat ended in the death of Hector, whose unhonored corse the bloody Greek has trailed behind his chariot. After twelve days of grief, the venerable father is moved to seek the remains of the son he has so dearly loved. He leaves his lofty cedarn chamber, and with a single aged attendant, unarmed, repairs to the Grecian camp beside the distant sounding sea. Entering alone, he finds Achilles in his tent, with two of his chiefs. Grasping his knees, the father kisses those terrible homicidal hands which had taken the life of his son. Touched by the sight which he beholds, the heart of the inflamed, the angry, the inflexible Achilles responds to the feelings

[1] Scholars will remember the incident recorded by Homer in the Odyssey (XIV. 30, 31), where Ulysses, on reaching his loved Ithaca, is beset by dogs, described as wild beasts in ferocity, who rush towards him barking; but he, with *craft* (that is the word of Homer), seats himself upon the ground *and lets his staff fall from his hand.* A similar incident is noticed by Mr. Mure, in his entertaining travels in Greece, and also by Mr. Borrow, in his "Bible in Spain." Pliny remarks, that all dogs may be appeased in the same way: "*Impetus eorum et sævitia mitigatur ab homine considente humi.*" Nat. Hist., Lib. VIII. cap. 40.

of Priam. He takes the suppliant by the hand, seats him by his side, consoles his grief, refreshes his weary body, and concedes to the prayers of a weak, unarmed old man what all Troy in arms could not win. In this scene, which fills a large space in the Iliad,[1] the master poet, with unconscious power, has presented a picture of the omnipotence of that law, making all mankind of kin, in obedience to which no word of kindness, no act of confidence, falls idly to the earth.

Among the early passages of Roman history, perhaps none makes a deeper impression than that scene, after the Roman youth were consumed at the Allia, and the invading Gauls under Brennus had entered the city, where in a temple were seated the venerable Senators of the Republic, too old to flee, and careless of surviving the Roman name, each on his curule chair, unarmed, looking, as Livy says, more august than mortal, and with the majesty of the gods. The Gauls gaze as upon sacred images; and the hand of slaughter, which had raged through the streets of Rome, is stayed by the sight of an unarmed assembly. This continued until one of the invaders standing nearest reached his hand to stroke gently the silver beard of a Senator, who, indignant at the license, smote the barbarian with his ivory staff, which was the signal for general vengeance. Think you that a band of savages could have slain these Senators, if the *appeal to Force* had not been made first by one of their own number? This story, though recounted by Livy, and also by Plutarch,[2] is repudiated by Niebuhr; but it is none the less interesting as a legend, attesting the law by which hostile feelings are aroused or subdued.

[1] Book XXIV. [2] Liv., Lib. V. cap. 41. Plutarch, Life of Camillus.

This great scene, in its essential parts, has been repeated in another age and country. The theatre was an African wilderness, with Christian converts for Roman Senators. The little band, with their pastor, who was a local chief, assembled on a Sabbath morning for prayer, when suddenly robbers came upon them, as the Gauls upon Rome, and demanded cattle. The pastor, asking his people to sit still, calmly pointed to the cattle, and then turned back to unite with the rest in prayer. The robbers, like the Gauls, looked on in silence, awed into forbearance, until they quietly withdrew, injuring nobody and touching nothing. Such an instance, which is derived from the report of missionaries,[1] testifies again to the might of meekness, and proves that the Roman story, though reduced to the condition of a legend, is in harmony with actual life.

An admired picture by Virgil, in his melodious epic, furnishes similar testimony. The Trojan fleet, beaten by tempest on the raging waves, is about to succumb, when the God of the Sea, suddenly appearing in tranquil power, stills the hostile elements, as a man venerable for piety and deserts by a gentle word assuages a furious populace just breaking into sedition and outrage.[2] The sea and the populace were equally appeased. Alike in the god and the man was the same peaceful presence. Elsewhere is this same influence. Guizot, illustrates this same influence, when, describing the development of mediæval civilization, he exhibits an angry multitude subdued by an unarmed man, em-

[1] Moffat, Missionary Labors and Scenes in Southern Africa, Ch. 32.

[2] "Ille regit dictis animos et pectora mulcet."
Æneid, I. 146 – 154.

ploying the *word* instead of the *sword*.[1] And surely no reader of that noble historical romance, the *Promessi Sposi*, can forget that finest scene, where Frà Cristoforo, in an age of violence, after slaying his comrade in a broil, presents himself unarmed and penitent before the family and retainers of his victim, and by dignified gentleness awakens the admiration of men raging against him. Both hemispheres are at this moment occupied with the popular romance, *Le Juif Errant*, by Eugène Sue, where is an interesting picture of Christian courage superior to the trained violence of the soldier. Another example, made familiar by recent translations of *Frithiof's Saga*, the Swedish epic,[2] is more emphatic. The scene is a battle. Frithiof is in deadly combat with Atlé, when the falchion of the latter breaks. Throwing away his own weapon, Frithiof says, —

> "*Swordless foeman's life*
> *Ne'er dyed this gallant blade.*"

The two champions now close in mutual clutch; they hug like bears, says the poet.

> "'T is o'er; for Frithiof's matchless strength
> Has felled his ponderous size,
> And 'neath that knee, a giant length,
> Supine the Viking lies.
> 'But fails my sword, thou Berserk swart,'
> The voice rang far and wide,
> 'Its point should pierce thy inmost heart,
> Its hilt should drink the tide.'
> 'Be free to lift the weaponed hand,'
> Undaunted Atlé spoke;
> Hence, fearless, quest thy distant brand:
> Thus I abide the stroke.'"

Frithiof regains his sword, intent to close the dread de-

[1] Guizot, Histoire de la Civilisation en France, Tom. II. p. 36.
[2] Longfellow, Poets and Poetry of Europe, p. 161: Tegnér.

bate, while his adversary awaits the stroke; but his heart responds to the generous courage of his foe; he cannot injure one who has shown such confidence in him.

> "*This quelled his ire, this checked his arm,*
> *Outstretched the hand of peace.*"

I cannot leave these illustrations without alluding again to the treatment of the insane, teaching, by conclusive example, how strong in Nature must be the responsive principle. On proposing to remove the heavy chains from the raving maniacs of the Paris hospitals, the benevolent Pinel was regarded as one who saw visions or dreamed dreams. At last his wishes were gratified. The change in the patients was immediate; the wrinkled front of warring passion was smoothed into the serene countenance of Peace. The treatment by Force is now universally abandoned; the law of kindness takes its place; and these unfortunates mingle together, unvexed by restraints implying suspicion, and therefore arousing opposition. What an example to nations, who are little better than insane! The ancient hospitals, with their violent madness, making confusion and strife, are a dark, but feeble, type of the Christian nations, obliged to wear the intolerable chains of War, assimilating the world to one great madhouse; while the peace and good-will now abounding in these retreats are the happy emblems of what awaits mankind when at last we practically recognize the supremacy of those higher sentiments which are at once a strength and a charm, —

> "making their future might
> Magnetic o'er the fixed, untrembling heart."

I might dwell also on recent experience, so full of delightful wisdom, in the treatment of the distant, de-

graded convict of New South Wales, showing how confidence and kindness on the part of overseers awaken a corresponding sentiment even in outcasts, from whose souls virtue seems blotted out.

Thus, from all quarters and sources — the far-off Past, the far-away Pacific, the verse of the poet, the legend of history, the cell of the mad-house, the congregation of transported criminals, the experience of daily life, the universal heart of man — ascends spontaneous tribute to that law according to which we respond to the sentiments by which we are addressed, whether of love or hate, of confidence or distrust.

If it be urged that these instances are exceptional, I reply at once, that it is not so. They are indubitable evidence of the real man, revealing the divinity of Humanity, out of which goodness, happiness, true greatness can alone proceed. They disclose susceptibilities confined to no particular race, no special period of time, no narrow circle of knowledge or refinement, but present wherever two or more human beings come together, and strong in proportion to their virtue and intelligence. Therefore on the nature of man, as impregnable ground, do I place the fallacy of this most costly and pernicious prejudice.

Nor is Human Nature the only witness: Christianity testifies in familiar texts, and then again by holiest lips. Augustine, in one of his persuasive letters, protests, with proverbial heart of flame, *against turning Peace into a Preparation for War*, and then tells the soldier whom he addresses to be *pacific even in war*.[1] From

[1] "Non enim pax quæritur ut bellum excitetur. . . . . Esto ergo etiam bellando pacificus." — Augustini Epistola CCV., ad Bonifacium Comitem: Opera, Tom. II. p. 318.

the religion of his Master the great Christian saint had learned that Love is more puissant than Force. To the reflecting mind, the Omnipotence of God himself is less discernible in earthquake and storm than in the gentle, but quickening, rays of the sun, and the sweet descending dews. He is a careless observer who does not recognize the superiority of gentleness and kindness in exercising influence or securing rights among men. As the storms of violence beat upon us, we hug mantles gladly thrown aside under the warmth of a genial sun.

Christianity not only teaches the superiority of Love to Force, it positively enjoins the practice of the former, as a constant, primal duty. It says, "Love your neighbors"; but it does not say, "In time of Peace rear the massive fortification, build the man-of-war, enlist standing armies, train militia, and accumulate military stores, to overawe and menace your neighbor." It directs that we should do to others as we would have them do to us, — a golden rule for all; but how inconsistent is that distrust in obedience to which nations professing peace sleep like soldiers on their arms! Nor is this all. Its precepts inculcate patience, forbearance, forgiveness of evil, even the duty of benefiting a destroyer, "as the sandal-wood, in the instant of its overthrow, sheds perfume on the axe which fells it." Can a people in whom this faith is more than an idle word authorize such enormous sacrifices to pamper the Spirit of War? Thus far nations have drawn their weapons from earthly armories, unmindful that there are others of celestial temper.

The injunction, "Love one another," is as applicable to nations as to individuals. It is one of the great laws

of Heaven. And nations, like individuals, may well measure their nearness to God and to his glory by the conformity of their conduct to this duty.

In response to arguments founded on economy, the true nature of man, and Christianity, I hear the skeptical note of some advocate of the transmitted order of things, some one among the "fire-worshippers" of War, saying, All this is beautiful, but visionary; it is in advance of the age, which is not yet prepared for the great change. To such I answer: Nothing can be beautiful that is not true; but all this is true, and the time has come for its acceptance. Now is the dawning day, and now the fitting hour.

The name of Washington is invoked as authority for a prejudice which Economy, Human Nature, and Christianity repudiate. Mighty and reverend as is his name, more mighty and more reverend is Truth. The words of counsel which he gave were in accordance with the spirit of his age, — which was not shocked by the slave-trade. But his great soul, which loved virtue and inculcated justice and benevolence, frowns upon those who would use his authority as an incentive to War. God forbid that his sacred character should be profanely stretched, like the skin of John Ziska, on a militia-drum, to arouse the martial ardor of the American people!

The practice of Washington, during the eight years of his administration, compared with that of the last eight years for which we have the returns, may explain his real opinions. His condemnation of the present wasteful system speaks to us from the following table.[1]

[1] Executive Document No. 15, Twenty-eighth Congress, First Session.

Years.	Military Establishment.	Naval Establishment.
1789–91	$835,618	$570
1792	1,223,594	53!
1793	1,237,620	
1794	2,733,539	61,409
1795	2,573,059	410,562
1796	1,474,672	274,784
Total, during eight years of Washington,	$10,078,102	$747,378
1835	$9,420,313	$3,864,939
1836	19,667,166	5,807,718
1837	20,702,929	6,646,915
1838	20,557,473	6,131,581
1839	14,588,664	6,182,294
1840	12,030,624	6,113,897
1841	13,704,882	6,001,077
1842	9,188,469	8,397,243
Total, during eight recent years,	$119,860,520	$49,145,664

Thus the expenditures for the national armaments under the sanction of Washington were less than *eleven million* dollars, while during a recent similar period of eight years they amounted to upwards of *one hundred and sixty-nine millions,*—an increase of nearly *fifteen hundred per cent!* To him who quotes the precept of Washington I commend the example. He must be strongly possessed by the martial mania who will not confess, that, in this age, when the whole world is at peace, and our national power is assured, *there is less need* of these Preparations than in an age convulsed with War, when our national power was little respected. The only semblance of argument in their favor is the increased wealth of the country; but the capacity to endure taxation is no criterion of its justice, or even of its expediency.

Another fallacy is also invoked, that *whatever is is right.* A barbarous practice is elevated above all those

authorities by which these Preparations are condemned. We are made to count principles as nothing, because not yet recognized by nations. But they are practically applied in the relations of individuals, towns, counties, and states in our Union. *All these have disarmed.* It remains only that they should be extended to the grander sphere of nations. Be it our duty to proclaim the principles, whatever the practice. Through us let Truth speak.

From the past and the present auspicious omens cheer us for the future. The terrible wars of the French Revolution were the violent rending of the body preceding the exorcism of the fiend. Since the morning stars first sang together, the world has not witnessed a peace so harmonious and enduring as that which now blesses the Christian nations. Great questions, fraught with strife, and in another age heralds of War, are now determined by Mediation or Arbitration. Great political movements, which a few short years ago must have led to bloody encounter, are now conducted by peaceful discussion. Literature, the press, and innumerable societies, all join in the work of inculcating good-will to man. The Spirit of Humanity pervades the best writings, whether the elevated philosophical inquiries of the "Vestiges of the Creation," the ingenious, but melancholy, moralizings of the "Story of a Feather," or the overflowing raillery of "Punch." Nor can the breathing thought and burning word of poet or orator have a higher inspiration. Genius is never so Promethean as when it bears the heavenly fire to the hearths of men.

In the last age, Dr. Johnson uttered the detestable

sentiment, that he liked "a good Hater." The man of this age will say that he likes "a good Lover." Thus reversing the objects of regard, he follows a higher wisdom and a purer religion than the renowned moralist knew. He recognizes that peculiar Heaven-born sentiment, the Brotherhood of Man, soon to become the decisive touchstone of human institutions. He confesses the power of Love, destined to enter more and more into the concerns of life. And as Love is more heavenly than Hate, so must its influence redound more to the true glory of man and the approval of God. A Christian poet — whose few verses bear him with unflagging wing in immortal flight — has joined this sentiment with Prayer. Thus he speaks, in words of uncommon pathos and power: —

> "He prayeth well who loveth well
> Both man and bird and beast.
>
> "He prayeth best who loveth best
> All things, both great and small;
> For the dear God who loveth us,
> He made and loveth all." [1]

The ancient Law of Hate is yielding to the Law of Love. It is seen in manifold labors of philanthropy and in missions of charity. It is seen in institutions for the insane, the blind, the deaf, the dumb, the poor, the outcast, — in generous efforts to relieve those who are in prison, — in public schools, opening the gates of knowledge to all the children of the land. It is seen in the diffusive amenities of social life, and in the increasing fellowship of nations; also in the rising opposition to Slavery and to War.

There are yet other special auguries of this great

[1] Coleridge, Rime of the Ancient Mariner, Part VII.

change, auspicating, in the natural progress of man, the abandonment of all international Preparations for War. To these I allude briefly, but with a deep conviction of their significance.

Look at the Past, and see how War itself is changed, so that its oldest "fire-worshipper" would hardly know it. At first nothing but savagery, with disgusting rites, whether in the North American Indian with Powhatan as chief, or the earlier Assyrian with Nebuchadnezzar as king, but yielding gradually to the influence of civilization. With the Greeks it was less savage, but always barbarous, — also with Rome always barbarous. Too slowly Christianity exerted a humanizing power. Rabelais relates how the friar Jean des Entommeures clubbed twelve thousand and more enemies, "without mentioning women and children, which is understood always." But this was War, as seen by that great genius in his day. This can be no longer. Women and children are safe now. The divine metamorphosis has begun.

Look again at the Past, and observe the *change in dress.* Down to a period quite recent the sword was the indispensable companion of the gentleman, wherever he appeared, whether in street or society ; but he would be deemed madman or bully who should wear it now. At an earlier period the armor of complete steel was the habiliment of the knight. From the picturesque sketch by Sir Walter Scott, in the "Lay of the Last Minstrel," we learn the barbarous constraint of this custom.

> "Ten of them were sheathed in steel,
> With belted sword, and spur on heel;
> They quitted not their harness bright,
> Neither by day nor yet by night:

They lay down to rest
With corslet laced,
Pillowed on buckler cold and hard;
They carved at the meal
With gloves of steel,
And they drank the red wine through the helmet barred."

But all this is changed now.

Observe the *change in architecture and in domestic life.* Places once chosen for castles or houses were savage, inaccessible retreats, where the massive structure was reared to repel attack and to enclose its inhabitants. Even monasteries and churches were fortified, and girdled by towers, ramparts, and ditches, — while a child was stationed as watchman, to observe what passed at a distance, and announce the approach of an enemy. Homes of peaceful citizens in towns were castellated, often without so much as an aperture for light near the ground, but with loopholes through which the shafts of the crossbow were aimed. The colored plates now so common, from mediæval illustrations, especially of Froissart, exhibit these *belligerent armaments,* always so burdensome. From a letter of Margaret Paston, in the time of Henry the Sixth, of England, I draw supplementary testimony. Addressing in dutiful phrase her "right worshipful husband," she asks him to procure for her "some crossbows, and wyndacs [grappling-irons] to bind them with, and quarrels [arrows with square heads]," also "two or three short pole-axes to keep within doors"; and she tells her absent lord of apparent preparations by a neighbor, — "great ordnance within the house," "bars to bar the door crosswise," and "wickets on every quarter of the house to shoot out at, both with bows and with hand-guns."[1]

[1] Paston Letters, CXIII. (LXXVII. Vol. III. p. 315.)

Savages could hardly live in greater distrust. Let now the Poet of Chivalry describe another scene: —

> "Ten squires, ten yeomen, mail-clad men,
> Waited the beck of the warders ten;
> Thirty steeds, both fleet and wight,
> Stood saddled in stable day and night,
> Barbed with frontlet of steel, I trow,
> And with Jedwood axe at saddle-bow;
> A hundred more fed free in stall:
> Such was the custom of Branksome Hall."

This also is all changed now.

The principles causing this change are not only active still, but increasing in activity; nor can they be confined to individuals. Nations must soon declare them, and, abandoning martial habiliments and fortifications, enter upon peaceful, *unarmed life*. With shame let it be said, that they continue to live in the very relations of distrust towards neighbors which shock us in the knights of Branksome Hall, and in the house of Margaret Paston. They pillow themselves on "buckler cold and hard," while their highest anxiety and largest expenditure are for the accumulation of new munitions of War. The barbarism which individuals have renounced nations still cherish. So doing, they take counsel of the wild-boar in the fable, who whetted his tusks on a tree of the forest when no enemy was near, saying, that in time of Peace he must prepare for War. Has not the time come, when man, whom God created in his own image, and to whom he gave the Heaven-directed countenance, shall cease to look down to the beast for an example of conduct? Nay, let me not dishonor the beasts by the comparison. The superior animals, at least, prey not, like men, upon their own species. The kingly lion turns from his brother lion;

the ferocious tiger will not raven upon his kindred tiger; the wild-boar of the forest does not glut his sharpened tusks upon a kindred boar.

> "Sed jam serpentum major concordia: parcit
> Cognatis maculis similis fera: quando leoni
> Fortior eripuit vitam leo? quo nemore unquam
> Exspiravit aper majoris dentibus apri?
> Indica tigris agit rabida cum tigride *pacem*
> *Perpetuam.*" [1]

To an early monarch of France just homage has been offered for effort in the cause of Peace, particularly in abolishing the Trial by Battle. To another monarch of France, in our own day, descendant of St. Louis, and lover of Peace worthy of the illustrious lineage, Louis Philippe, belongs the honest fame of first from the throne publishing the truth that Peace is endangered by Preparations for War. "The sentiment, or rather the principle," he says, in reply to an address from the London Peace Convention in 1843, "that in Peace you must prepare for War, *is one of difficulty and danger; for while we keep armies on land to preserve peace, they are at the same time incentives and instruments of war.* He rejoiced in all efforts to preserve peace, for that was what all needed. He thought the time was coming when we should get rid entirely of war in all civilized countries." This time has been hailed by a generous voice from the Army itself, by a Marshal of France, — Bugeaud, the Governor of Algiers, — who, at a public dinner in Paris, gave as a toast these words of salutation to a new and approaching era of happiness: "To the pacific union of the great human family, by the association of individuals, nations, and races! To the annihilation of War! To the transformation of destructive armies into

[1] Juvenal, Sat. XV. 159–164.

corps of industrious laborers, who will consecrate their lives to the cultivation and embellishment of the world!" Be it our duty to speed this consummation! And may other soldiers emulate the pacific aspiration of this veteran chief, until *the trade of War* ceases from the earth![1]

To William Penn belongs the distinction, destined to brighten as men advance in virtue, of first in human history establishing the *Law of Love* as a rule of conduct in the intercourse of nations. While recognizing the duty "to support power in reverence with the people, and to secure the people from the abuse of power,"[2] as a great end of government, he declined the superfluous protection of arms against foreign force, and aimed to "reduce the savage nations by just and gentle manners to the love of civil society and the Christian religion." His serene countenance, as he stands with his followers in what he called the sweet and clear air of Pennsylvania, all unarmed, beneath the spreading elm, forming the great treaty of friendship with the untutored Indians, — whose savage display fills the surrounding forest as far as the eye can reach, — not to wrest their lands by violence, but to obtain them by peaceful purchase, — is to my mind the proudest picture in the history of

[1] There was a moment when the aspiration of the French marshal seemed fulfilled even in France, if we may credit the early Madame de Lafayette, who, in the first sentence of her Memoirs, announces perfect tranquillity, where "no other arms were known than instruments for the cultivation of the earth and for building, and the troops were employed on these things." Part of their work was to divert the waters of the Eure, so that the fountains at Versailles should have a perpetual supply: but this was better than War. — MADAME DE LAFAYETTE, *Mémoires de la Cour de France pour les Années* 1688 *et* 1689, p. 1.

[2] Preface to Penn's Frame of Government of the Province of Pennsylvania: Hazard's Register of Pennsylvania, Vol. I. p. 338. See also Clarkson's Memoirs of Penn, Vol. I. p. 238, Philadelphia, 1814.

our country. "The great God," said the illustrious Quaker, in words of sincerity and truth addressed to the Sachems, "hath written his law in our hearts, by which we are taught and commanded to love and help and do good to one another. It is not our custom to use hostile weapons against our fellow-creatures, for which reason we come unarmed. Our object is not to do injury, but to do good. We are now met on the broad pathway of good faith and good will, so that no advantage is to be taken on either side, but all is to be openness, brotherhood, and love, while all are to be treated as of the same flesh and blood."[1] These are words of True Greatness. "Without any carnal weapons," says one of his companions, "we entered the land, and inhabited therein, as safe as if there had been thousands of garrisons." What a sublime attestation! "This little State," says Oldmixon, "subsisted in the midst of six Indian nations without so much as a militia for its defence." A great man worthy of the mantle of Penn, the venerable philanthropist, Clarkson, in his life of the founder, pictures the people of Pennsylvania as armed, though without arms, — strong, though without strength, — safe, without the ordinary means of safety. According to him, the constable's staff was the only instrument of authority for the greater part of a century; and never, during the administration of Penn, or that of his proper successors, was there a quarrel or a war.[2]

Greater than the divinity that doth hedge a king is the divinity that encompasses the righteous man and the righteous people. The flowers of prosperity smiled

[1] Clarkson's Memoirs of Penn, Vol. I. Ch. 18.
[2] Ibid., Vol. II. Ch. 23.

in the footprints of William Penn. His people were unmolested and happy, while (sad, but true contrast!) other colonies, acting upon the policy of the world, building forts, and showing themselves in arms, were harassed by perpetual alarm, and pierced by the sharp arrows of savage war.

This pattern of a Christian commonwealth never fails to arrest the admiration of all who contemplate its beauties. It drew an epigram of eulogy from the caustic pen of Voltaire, and has been fondly painted by sympathetic historians. Every ingenuous soul in our day offers willing tribute to those graces of justice and humanity, by the side of which contemporary life on this continent seems coarse and earthy.

Not to barren words can we confine ourselves in recognition of virtue. While we see the right, and approve it too, we must dare to pursue it. Now, in this age of civilization, surrounded by Christian nations, it is easy to follow the successful example of William Penn encompassed by savages. Recognizing those two transcendent ordinances of God, the *Law of Right* and the *Law of Love*, — twin suns which illumine the moral universe, — why not aspire to the true glory, and, what is higher than glory, the great good, of taking the lead in *the disarming of the nations?* Let us abandon the system of Preparations for War in time of Peace, as irrational, unchristian, vainly prodigal of expense, and having a direct tendency to excite the evil against which it professes to guard. Let the enormous means thus released from iron hands be devoted to labors of beneficence. Our battlements shall be schools, hospitals, colleges, and churches; our arsenals shall be libraries; our navy shall be peaceful ships, on errands of perpetual commerce;

our army shall be the teachers of youth and the ministers of religion. This is the cheap defence of nations. In such intrenchments what Christian soul can be touched with fear? Angels of the Lord will throw over the land an invisible, but impenetrable panoply: —

> "Or if Virtue feeble were,
> Heaven itself would stoop to her." [1]

At the thought of such a change, the imagination loses itself in vain effort to follow the multitudinous streams of happiness which gush forth from a thousand hills. Then shall the naked be clothed and the hungry fed; institutions of science and learning shall crown every hill-top; hospitals for the sick, and other retreats for the unfortunate children of the world, for all who suffer in any way, in mind, body, or estate, shall nestle in every valley; while the spires of new churches leap exulting to the skies. The whole land shall testify to the change. Art shall confess it in the new inspiration of the canvas and the marble. The

[1] These are the concluding words of that most exquisite creation of early genius, the "Comus." Beyond their intrinsic value, they have authority from the circumstance that they were adopted by Milton as a motto, and inscribed by him in an album at Geneva, while on his foreign travels. This album is now in my hands. The truth thus embalmed by the grandest poet of modern times is also illustrated in familiar words by the most graceful poet of antiquity: —

> "Integer vitæ scelerisque purus
> Non eget Mauris jaculis, neque arcu,
> Nec venenatis gravida sagittis,
> Fusce, pharetra."
> HOR., *Carm.* I. xxii. 1-4.

Dryden pictures the same in some of his most magical lines: —

> "A milk-white hind, immortal and unchanged,
> Fed on the lawns, and in the forest ranged;
> Without unspotted, innocent within,
> *She feared no danger, for she knew no sin.*"
> *The Hind and the Panther*, Part I. 1-4.

harp of the poet shall proclaim it in a loftier rhyme. Above all, the heart of man shall bear witness to it, in the elevation of his sentiments, in the expansion of his affections, in his devotion to the highest truth, in his appreciation of true greatness. The eagle of our country, without the terror of his beak, and dropping the forceful thunderbolt from his pounces, shall soar, with the olive of Peace, into untried realms of ether, nearer to the sun.

I pause to review the field over which we have passed. We have beheld War, sanctioned by International Law as a mode of determining *justice* between nations, elevated into an *established custom*, defined and guarded by a complex code known as the Laws of War; we have detected its origin in an appeal, not to the moral and intellectual part of man's nature, in which alone is Justice, but to that low part which he has in common with the beast; we have contemplated its infinite miseries to the human race; we have weighed its sufficiency as a mode of determining justice between nations, and found that it is a rude invocation to force, or a gigantic game of chance, in which God's children are profanely treated as a pack of cards, while, in unnatural wickedness, it is justly likened to the monstrous and impious custom of Trial by Battle, which disgraced the Dark Ages, — thus showing, that, in this day of boastful civilization, justice between nations is determined by the same rules of barbarous, brutal violence which once controlled the relations between individuals. We have next considered the various prejudices by which War is sustained, founded on a false belief in its necessity, — the practice of nations, past and present, —

the infidelity of the Christian Church, — a mistaken sentiment of honor, — an exaggerated idea of the duties of patriotism, — and finally, that monster prejudice which draws its vampire life from the vast Preparations for War in time of Peace; — especially dwelling, at this stage, upon the thriftless, irrational, and unchristian character of these Preparations, — hailing also the auguries of their overthrow, — and catching a vision of the surpassing good that will be achieved, when the boundless means thus barbarously employed are dedicated to works of Peace, opening the serene path to that righteousness which exalteth a nation.

And now, if it be asked why, in considering the TRUE GRANDEUR OF NATIONS, I dwell thus singly and exclusively on War, it is because War is utterly and irreconcilably inconsistent with True Greatness. Thus far, man has worshipped in Military Glory a phantom idol, compared with which the colossal images of ancient Babylon or modern Hindostan are but toys; and we, in this favored land of freedom, in this blessed day of light, are among the idolaters. The Heaven-descended injunction, *Know thyself*, still speaks to an unheeding world from the far-off letters of gold at Delphi: *Know thyself; know that the moral is the noblest part of man*, transcending far that which is the seat of passion, strife, and War, — nobler than the intellect itself. And the human heart, in its untutored, spontaneous homage to the virtues of Peace, declares the same truth, — admonishing the military idolater that it is not the bloody combats, even of bravest chiefs, even of gods themselves, as they echo from the resounding lines of the great Poet of War, which receive the warmest ad-

miration, but those two scenes where are painted the gentle, unwarlike affections of our nature, the Parting of Hector from Andromache, and the Supplication of Priam. In the definitive election of these peaceful pictures, the soul of man, inspired by a better wisdom than that of books, and drawn unconsciously by the heavenly attraction of what is truly great, acknowledges, in touching instances, the vanity of Military Glory. The Beatitudes of Christ, which shrink from saying, "Blessed are the War-makers," inculcate the same lesson. Reason affirms and repeats what the heart has prompted and Christianity proclaimed. Suppose War decided by *Force*, where is the glory? Suppose it decided by *Chance*, where is the glory? Surely, in other ways True Greatness lies. Nor is it difficult to tell where.

True Greatness consists in imitating, as nearly as possible for finite man, the perfections of an Infinite Creator, — above all, in cultivating those highest perfections, Justice and Love: Justice, which, like that of St. Louis, does not swerve to the right hand or to the left; Love, which, like that of William Penn, regards all mankind as of kin. "God is angry," says Plato, "when any one censures a man like Himself, *or praises a man of an opposite character:* and the godlike man is the good man."[1] Again, in another of those lovely dialogues precious with immortal truth: "Nothing resembles God more than that man among us who has attained to the highest degree of justice."[2] The True Greatness of Nations is in those qualities which constitute the true greatness of the individual. It is not in extent of territory, or vastness of population, or accumulation of

[1] Minos, § 12. [2] Theætetus, § 85.

wealth, — not in fortifications, or armies, or navies, — not in the sulphurous blaze of battle, — not in Golgothas, though covered by monuments that kiss the clouds; for all these are creatures and representatives of those qualities in our nature which are unlike anything in God's nature. Nor is it in triumphs of the intellect alone, — in literature, learning, science, or art. The polished Greeks, our masters in the delights of art, and the commanding Romans, overawing the earth with their power, were little more than splendid savages. And the age of Louis the Fourteenth, of France, spanning so long a period of ordinary worldly magnificence, thronged by marshals bending under military laurels, enlivened by the unsurpassed comedy of Molière, dignified by the tragic genius of Corneille, illumined by the splendors of Bossuet, is degraded by immoralities that cannot be mentioned without a blush, by a heartlessness in comparison with which the ice of Nova Zembla is warm, and by a succession of deeds of injustice not to be washed out by the tears of all the recording angels of Heaven.

The True Greatness of a Nation cannot be in triumphs of the intellect alone. Literature and art may enlarge the sphere of its influence; they may adorn it; but in their nature they are but accessaries. *The True Grandeur of Humanity is in moral elevation, sustained, enlightened, and decorated by the intellect of man.* The surest tokens of this grandeur in a nation are that Christian Beneficence which diffuses the greatest happiness among all, and that passionless, godlike Justice which controls the relations of the nation to other nations, and to all the people committed to its charge.

But War crushes with bloody heel all beneficence, all happiness, all justice, all that is godlike in man, — suspending every commandment of the Decalogue, setting at naught every principle of the Gospel, and silencing all law, human as well as divine, except only that impious code of its own, the *Laws of War*. If in its dismal annals there is any cheerful passage, be assured it is not inspired by a martial Fury. Let it not be forgotten, let it be ever borne in mind, as you ponder this theme, that the virtues which shed their charm over its horrors are all borrowed of Peace, — that they are emanations from the Spirit of Love, which is so strong in the heart of man that it survives the rudest assault. The flowers of gentleness, kindliness, fidelity, humanity, which flourish unregarded in the rich meadows of Peace, receive unwonted admiration when we discern them in War, — like violets shedding their perfume on the perilous edge of the precipice, beyond the smiling borders of civilization. God be praised for all the examples of magnanimous virtue which he has vouchsafed to mankind! God be praised, that the Roman Emperor, about to start on a distant expedition of War, encompassed by squadrons of cavalry, and by golden eagles swaying in the wind, stooped from his saddle to hear the prayer of a humble widow, demanding justice for the death of her son![1] God be praised, that Sidney, on the field of battle, gave with dying hand the cup of cold water to the dying soldier! That single act of

[1] According to the legends of the Catholic Church, this most admired instance of justice opened to Trajan, although a heathen, the gates of salvation. Dante found the scene and the "visible speech" of the widow and Emperor storied on the walls of Purgatory, and has transmitted them in a passage which commends itself hardly less than any in the divine poem. — See *Purgatorio*, Canto X.

self-forgetful sacrifice has consecrated the deadly field of Zutphen, far, oh, far beyond its battle; it has consecrated thy name, gallant Sidney, beyond any feat of thy sword, beyond any triumph of thy pen! But there are lowly suppliants in other places than the camp; there are hands outstretched elsewhere than on fields of blood. Everywhere is opportunity for deeds of like charity. Know well that these are not the product of War. They do not spring from enmity, hatred, and strife, but from those benign sentiments whose natural and ripened fruit of joy and blessing are found only in Peace. If at any time they appear in the soldier, it is less *because* than *notwithstanding* he is the hireling of battle. Let me not be told, then, of the virtues of War. Let not the acts of generosity and sacrifice sometimes blossoming on its fields be invoked in its defence. From such a giant root of bitterness no true good can spring. The poisonous tree, in Oriental imagery, though watered by nectar and covered with roses, produces only the fruit of death.

Casting our eyes over the history of nations, with horror we discern the succession of murderous slaughters by which their progress is marked. Even as the hunter follows the wild beast to his lair by the drops of blood on the ground, so we follow Man, faint, weary, staggering with wounds, through the Black Forest of the Past, which he has reddened with his gore. Oh, let it not be in the future ages as in those we now contemplate! Let the grandeur of man be discerned, not in bloody victory or ravenous conquest, but in the blessings he has secured, in the good he has accomplished, in the triumphs of Justice and Beneficence, in the establishment of Perpetual Peace!

As ocean washes every shore, and with all-embracing arms clasps every land, while on its heaving bosom it bears the products of various climes, so Peace surrounds, protects, and upholds all other blessings. Without it, commerce is vain, the ardor of industry is restrained, justice is arrested, happiness is blasted, virtue sickens and dies.

Peace, too, has its own peculiar victories, in comparison with which Marathon and Bannockburn and Bunker Hill, fields sacred in the history of human freedom, lose their lustre. Our own Washington rises to a truly heavenly stature, not when we follow him through the ice of the Delaware to the capture of Trenton, not when we behold him victorious over Cornwallis at Yorktown, but when we regard him, in noble deference to Justice, refusing the kingly crown which a faithless soldiery proffered, and at a later day upholding the peaceful neutrality of the country, while he met unmoved the clamor of the people wickedly crying for War. What glory of battle in England's annals will not fade by the side of that great act of justice, when her Parliament, at a cost of one hundred million dollars, gave freedom to eight hundred thousand slaves? And when the day shall come (may these eyes be gladdened by its beams!) that shall witness an act of larger justice still, — the peaceful emancipation of three million fellow-men "guilty of a skin not colored as our own," now, in this land of jubilant freedom, bound in gloomy bondage, — then will there be a victory by the side of which that of Bunker Hill will be as the farthing candle held up to the sun. That victory will need no monument of stone. It will be written on the grateful hearts of countless multitudes that shall proclaim it to the

latest generation. It will be one of the famed landmarks of civilization, — or, better still, a link in the golden chain by which Humanity connects itself with the throne of God.

As man is higher than the beasts of the field, as the angels are higher than man, as Christ is higher than Mars, as he that ruleth his spirit is higher than he that taketh a city, — so are the victories of Peace higher than the victories of War.

Far be from us, fellow-citizens, on this festival, the pride of national victory, and the illusion of national freedom, in which we are too prone to indulge! None of you make rude boast of individual prosperity or prowess. And here I end as I began. Our country cannot do what an individual cannot do. Therefore it must not vaunt or be puffed up. Rather bend to unperformed duties. Independence is not all. We have but half done, when we have made ourselves free. The scornful taunt wrung from bitter experience of the great Revolution in France must not be levelled at us: "They wish to be *free*, but know not how to be *just*." [1] Nor is priceless Freedom an end in itself, but rather the means of Justice and Beneficence, where alone is enduring concord, with that attendant happiness which is the final end and aim of Nations, as of every human heart. It is not enough to be free. There must be Peace which cannot fail, and other nations must share the great possession. To this end must we labor, bearing ever in mind two special objects, complements of each other: first, the Arbitrament of War must end; and,

[1] "*Ils veulent être libres, et ne savent pas être justes*," was the famous exclamation of Sieyès.

secondly, Disarmament must begin. With this ending and this beginning the great gates of the Future will be opened, and the guardian virtues will assert a new empire. Alas! until this is done, National Honor and National Glory will yet longer flaunt in blood, and there can be no True Grandeur of Nations.

To this great work let me summon you. That Future, which filled the lofty vision of sages and bards in Greece and Rome, which was foretold by Prophets and heralded by Evangelists, when man, in Happy Isles, or in a new Paradise, shall confess the loveliness of Peace, may you secure, if not for yourselves, at least for your children! *Believe* that you can do it, and you *can* do it. The true Golden Age is before, not behind. If man has once been driven from Paradise, while an angel with flaming sword forbade his return, there is another Paradise, even on earth, which he may make for himself, by the cultivation of knowledge, religion, and the kindly virtues of life, — where the confusion of tongues shall be dissolved in the union of hearts, and joyous Nature, borrowing prolific charms from prevailing Harmony, shall spread her lap with unimagined bounty, and there shall be perpetual jocund Spring, and sweet strains borne on "the odoriferous wing of gentle gales," through valleys of delight more pleasant than the Vale of Tempe, richer than the Garden of the Hesperides, with no dragon to guard its golden fruit.

Is it said that the age does not demand this work? The robber conqueror of the Past, from fiery sepulchre, demands it; the precious blood of millions unjustly shed in War, crying from the ground, demands it; the heart of the good man demands it; the conscience, even of the soldier, whispers, "Peace!" There are

considerations springing from our situation and condition which fervently invite us to take the lead. Here should join the patriotic ardor of the land, the ambition of the statesman, the effort of the scholar, the pervasive influence of the press, the mild persuasion of the sanctuary, the early teaching of the school. Here, in ampler ether and diviner air, are untried fields for exalted triumph, more truly worthy the American name than any snatched from rivers of blood. War is known as the *Last Reason of Kings*. Let it be no reason of our Republic. Let us renounce and throw off forever the yoke of a tyranny most oppressive of all in the world's annals. As those standing on the mountain-top first discern the coming beams of morning, so may we, from the vantage-ground of liberal institutions, first recognize the ascending sun of a new era! Lift high the gates, and let the King of Glory in, — the King of True Glory, — of Peace! I catch the last words of music from the lips of innocence and beauty,[1] —

"And let the whole earth be filled with His Glory!"

It is a beautiful picture in Grecian story, that there was at least one spot, the small island of Delos, dedicated to the gods, and kept at all times sacred from War. No hostile foot ever pressed this kindly soil, and citizens of all countries met here, in common worship, beneath the ægis of inviolable Peace. So let us dedicate our beloved country; and may the blessed consecration be felt in all its parts, everywhere throughout its ample domain! The Temple of Honor shall

[1] The services of the choir on this occasion were performed by the youthful daughters of the public schools of Boston.

be enclosed by the Temple of Concord, that it may never more be entered through any portal of War; the horn of Abundance shall overflow at its gates; the angel of Religion shall be the guide over its steps of flashing adamant; while within its happy courts, purged of Violence and Wrong, JUSTICE, returned to the earth from long exile in the skies, with equal scales for nations as for men, shall rear her serene and majestic front; and by her side, greatest of all, CHARITY, sublime in meekness, hoping all and enduring all, shall divinely temper every righteous decree, and with words of infinite cheer inspire to those deeds that cannot vanish away. And the future chief of the Republic, destined to uphold the glories of a new era, unspotted by human blood, shall be first in Peace, first in the hearts of his countrymen.

While seeking these fruitful glories for ourselves, let us strive for their extension to other lands. Let the bugles sound the *Truce of God* to the whole world forever. Not to one people, but to every people, let the glad tidings go. The selfish boast of the Spartan women, that they never saw the smoke of an enemy's camp, must become the universal chorus of mankind, while the iron belt of War, now encompassing the globe, is exchanged for the golden cestus of Peace, clothing all with celestial beauty. History dwells with fondness on the reverent homage bestowed by massacring soldiers upon the spot occupied by the sepulchre of the Lord. Vain man! why confine regard to a few feet of sacred mould? The whole earth is the sepulchre of the Lord; nor can any righteous man profane any part thereof. Confessing this truth, let us now, on this Sab-

bath of the Nation, lay a new and living stone in the grand Temple of Universal Peace, whose dome shall be lofty as the firmament of heaven, broad and comprehensive as earth itself.

TRIBUTE OF FRIENDSHIP:

THE LATE JOSEPH STORY.

ARTICLE FROM THE BOSTON DAILY ADVERTISER, SEPTEMBER 16, 1845.

I HAVE just returned from the funeral of this great and good man. Under that roof where I have so often seen him in health, buoyant with life, exuberant in kindness, happy in family and friends, I stood by his mortal remains sunk in eternal rest, and gazed upon those well-loved features from which even the icy touch of death had not effaced all the living beauty. The eye was quenched, and the glow of life extinguished; but the noble brow seemed still to shelter, as under a marble dome, the spirit that had fled. And is he dead, I asked myself, — whose face was never turned to me, except in affection, — who has filled the civilized world with his name, and drawn to his country the homage of foreign nations, — who was of activity and labor that knew no rest, — who was connected with so many circles by duties of such various kinds, by official ties, by sympathy, by friendship and love, — who, according to the beautiful expression of Wilberforce, "touched life at so many points," — has he, indeed, passed away? Upon the small plate on the coffin was inscribed, JOSEPH STORY, *died September 10th*, 1845, *aged* 66 *years.* These few words might apply to the lowly citizen, as to

the illustrious Judge. Thus is the coffin-plate a register of the equality of men.

At his well-known house we joined in religious worship. The Rev. Dr. Walker, present head of the University, in earnest prayer, commended his soul to God who gave it, and invoked upon family and friends a consecration of their afflictive bereavement. From this service we followed, in mournful procession, to the resting-place which he had selected for himself and his family, amidst the beautiful groves of Mount Auburn. As the procession filed into the cemetery I was moved by the sight of the numerous pupils of the Law School, with uncovered heads and countenances of sorrow, ranged on each side of the road within the gate, testifying by silent and unexpected homage their last reverence to their departed teacher. Around the grave, as he was laid in the embrace of the mother earth, were gathered all in our community most distinguished in law, learning, literature, station, — Judges of our Courts, Professors of the University, surviving classmates, and a thick cluster of friends. He was placed among the children taken from him in early life. *Of such is the kingdom of heaven* were the words he had inscribed over their names on the simple marble which now commemorates alike the children and their father. Nor is there a child in heaven of more childlike innocence and purity than he, who, full of years and honors, has gone to mingle with these children.

There is another sentence, inscribed by him on this family stone, which speaks to us now with a voice of consolation. *Sorrow not as those without hope* were the words which brought solace to him in his bereavements. From his bed beneath he seems to whisper thus

among his mourning family and friends, — most especially to her, the chosen partner of his life, from whom so much of human comfort is apparently removed. He is indeed gone; but we shall see him once more forever. With this blessed trust, we may find happiness in dwelling upon his virtues and fame on earth, till the great consoler, Time, shall come with healing in his wings.

From the grave of the Judge I walked a few short steps to that of his classmate and friend, the beloved Channing, who died less than three years ago, aged sixty-two. Thus these companions in early studies — each afterwards foremost in important duties, pursuing divergent paths, yet always drawn towards each other by the attractions of mutual friendship — again meet and lie down together in the same sweet earth, in the shadow of kindred trees, through which the same birds sing a perpetual requiem.

The afternoon was of unusual brilliancy, and the full-orbed sun gilded with mellow light the funereal stones through which I wound my way, as I sought the grave of another friend, the first colleague of the departed Judge in the duties of the Law School, — Professor Ashmun. After a life crowded with usefulness, he laid down the burden of disease which he had long borne, at the early age of thirty-three. I remember listening, in 1833, to the flowing discourse which Story pronounced, in the College Chapel, over the departed; nor can I forget his deep emotion, as we stood together at the foot of the grave, while the earth fell, dust to dust, upon the coffin of his friend.

Wandering through this silent city of the dead, I called to mind those words of Beaumont on the Tombs in Westminster Abbey: —

> "Here 's an acre sown indeed
> With the richest, royal'st seed
> That the earth did e'er suck in
> Since the first man died for sin;
> Here are sands, ignoble things
> Dropt from the ruined sides of kings."

A richer royalty is sown at Mount Auburn. The kings that slumber there were anointed by more than earthly hand.

Turning again to the newest grave, I found no one but the humble gardeners, smoothing the sod over the fresh earth. It was late in the afternoon, and the upper branches of the stately trees that wave over the sacred spot, after glistening for a while in the golden rays of the setting sun, were left in the gloom which had already settled on the grass beneath. Hurrying away, I reached the gate as the porter's curfew was tolling to forgetful musers like myself the warning to leave.

Moving away from the consecrated field, I thought of the pilgrims that would come from afar, through successions of generations, to look upon the last home of the great Jurist. From all parts of our own country, from all the lands where law is taught as a science, and where justice prevails, they will come to seek the grave of their master. Let us guard, then, this precious dust. Let us be happy, that, though his works and his example belong to the world, his remains are placed in our peculiar care. To us, also, who saw him face to face, in the performance of his various duties, and who sustain a loss so irreparable, is the melancholy pleasure of dwelling with household affection upon his surpassing excellences.

His death makes a chasm which I shrink from contemplating. He was the senior Judge of the highest Court of the country, an active Professor of Law, and

a Fellow in the Corporation of Harvard University. He was in himself a whole triumvirate; and these three distinguished posts, now vacant, will be filled, in all probability, each by a distinct successor. It is, however, as the Jurist that he is to take his place in the history of the world, high in the same firmament where beam the mild glories of Tribonian, Cujas, Hale, and Mansfield. It was his fortune, unlike that of many cultivating the law with signal success on the European continent, to be called as a judge practically to administer and apply it in the business of life. It thus became to him not merely a science, whose depths and intricacies he explored in his closet, but a great and godlike instrument, to be employed in that grandest of earthly functions, the determination of justice among men. While the duties of the magistrate were thus illumined by the studies of the jurist, the latter were tempered to a finer edge by the experience of the bench.

In the attempt to estimate his character as a Jurist, he may be regarded in *three* different aspects, — as Judge, Author, and Teacher of Jurisprudence, exercising in each a peculiar influence. His lot is rare who achieves fame in any single department of human action; rarer still is his who becomes foremost in many. The first impression is of astonishment, that a single mind, in a single life, should accomplish so much. Omitting the incalculable labors, of which there is no trace, except in the knowledge, happiness, and justice they helped to secure, the bare amount of his written and printed works is enormous beyond precedent in the annals of the Common Law. His written judgments on his circuit, and his various commentaries, occupy *twenty-seven* volumes, while his judgments in the Su-

preme Court of the United States form an important part of no less than *thirty-four* volumes more. The vast professional labors of Coke and Eldon, which seem to clothe the walls of our libraries, must yield to his in extent. He is the Lope de Vega, or the Walter Scott, of the Common Law.

We are struck next by the universality of his juridical attainments. It was said by Dryden of a great lawyer in English history, — Heneage Finch, —

> "Our laws, that did a boundless ocean seem,
> Were coasted all and fathomed all by him."

But the boundless ocean of that age was a "closed sea," compared with that on which the adventurer embarks to-day. In Howell's Familiar Letters there is a saying of only a few short years before, that the books of the Common Law might all be carried in a wheelbarrow. To coast such an ocean were a less task than a moiety of his labors whom we now mourn. Called to administer all the different branches of law, kept separate in England, he showed a mastery of all. His was Universal Empire; and wherever he set his foot, in the various realms of jurisprudence, it was as a sovereign, — whether in the ancient and subtile learning of Real Law, — the Criminal Law, — the niceties of Special Pleading, — the more refined doctrines of Contracts, — the more rational system of Commercial and Maritime Law, — the peculiar and interesting principles and practice of Admiralty and Prize, — the immense range of Chancery, — the modern, but important, jurisdiction over Patents, — or that higher region, the great themes of Public and Constitutional Law. In each of these branches there are judgments by him which will not yield in value to those of any other judge in England or the United States, even though

his studies and duties may have been directed to only one particular department.

His judgments are remarkable for exhaustive treatment. The Common Law, as every student knows to his cost, is found only in innumerable "sand-grains" of authority. In his learned expositions not one of these is overlooked, while all are combined with care, and the golden cord of reason is woven across the ample tissue. There is in them, besides, a clearness which flings over the subject a perfect day, — a severe logic, which, by its closeness and precision, makes us feel the truth of the saying of Leibnitz, that nothing approaches so near the certainty of geometry as the reasoning of the law, — a careful attention to the discussions at the bar, that nothing should be lost, — with a copious and persuasive eloquence investing the whole. Many of his judgments will be landmarks in the law: I know of no single judge who has set up so many. I think it may be said, without fear of question, that the Reports show a larger number of judicial opinions from Story, which posterity will not willingly let die, than from any other judge in the history of English or American law.

There is much of his character as a Judge which cannot be preserved, except in the faithful memory of those whose happiness it was to enjoy his judicial presence. I refer particularly to his mode of conducting business. Even the passing stranger bore witness to his suavity of manner on the bench, while all practitioners in the courts where he presided so long attest the marvellous quickness with which he seized habitually the points of a case, often anticipating the slower movements of counsel, and leaping, or, I might almost say, flying, to the proper conclusion. Napoleon's percep-

tion, at the head of an army, was not more rapid. Nor can I forget the scrupulous care with which he assigned reasons for every portion of his opinions, showing that it was not *he* who spoke with the voice of authority, but the *law*, whose organ he was.

In the history of the English bench there are but two names with combined eminence as Judge and Author, — Coke and Hale, — unless, indeed, the "Ordinances in Chancery," from the Verulamian pen, should entitle Lord Bacon to this distinction, and the judgments of Lord Brougham should vindicate the same for him. Blackstone's character as judge is lost in the fame of the Commentaries. To Story belongs this double glory. Early in life he compiled an important professional work; but it was only at a comparatively recent period, after his mind had been disciplined by the labors of the bench, that he prepared those elaborate Commentaries which have made his name a familiar word in foreign countries. They who knew him best observed the lively interest which he took in this extension of his renown. And most justly; for the voice of distant foreign nations comes as from a living posterity. His works have been reviewed with praise in the journals of England, Scotland, Ireland, France, and Germany. They are cited as authorities in all the Courts of Westminster Hall; and one of the ablest and most learned jurists of the age, whose honorable career at the bar has opened to him the peerage, — Lord Campbell, — in the course of debate in the House of Lords, accorded to their author an exalted place, saying that he "had a greater reputation as a legal writer than any author England could boast since the days of Blackstone." [1]

[1] Hansard, LXVIII. 667.

To complete this hasty survey, I should allude to his excellences as a Teacher of law, that other relation which he sustained to jurisprudence. The numerous pupils reared at his feet, and now scattered throughout the country, diffusing, in their different circles, the light obtained at Cambridge, as they hear that their beloved master has fallen, will each feel that he has lost a friend. He had the faculty, rare as it is exquisite, of interesting the young, and winning their affections. I have often seen him surrounded by a group of youths, — the ancient Romans might have aptly called it a *corona*, — all intent upon his earnest conversation, and freely interrogating him on matters of interest. In his lectures, and other forms of instruction, he was prodigal of explanation and illustration; his manner, according to the classical image of Zeno, was like the open palm, never like the clenched fist. His learning was always overflowing, as from the horn of abundance. He was earnest and unrelaxing in effort, patient and gentle, while he listened with inspiring attention to all that the pupil said. Like Chaucer's Clerk,

> "And gladly wolde he lerne, and gladly teche."

Above all, he was a living example of love for the law, — supposed by many to be unlovely and repulsive, — which seemed to grow warmer under the snows of accumulating winters; and such an example could not fail, with magnetic power, to touch the hearts of the young. Nor should I forget the lofty standard of professional morals which he inculcated, filling his discourse with the charm of goodness. Under such auspices, and those of his learned associate, Professor Greenleaf, large classes of students, larger than any other in America,

or in England, were annually gathered in Cambridge. The Law School became the glory of the University.

He was proud of his character as Professor. In his earlier works he is called on the title-page "Dane Professor of Law." It was only on the suggestion of the English publisher that he was induced to append the other title, "One of the Justices of the Supreme Court of the United States." He looked forward with peculiar satisfaction to the time which seemed at hand, when he should lay down the honors and cares of the bench, and devote himself singly to the duties of his chair.

I have merely glanced at him in his three several relations to jurisprudence. Great in each, it is on this unprecedented combination that his peculiar fame will be reared, as upon an immortal tripod. In what I have written, I do not think I am biased by partialities of private friendship. I have endeavored to regard him as posterity will regard him, as all must regard him now who fully know him in his works. Imagine for one moment the irreparable loss, if all that he has done were blotted out forever. As I think of the incalculable facilities afforded by his labors, I cannot but say with Racine, when speaking of Descartes, "*Nous courons; mais, sans lui, nous ne marcherions pas.*" Besides, it is he who has inspired in many foreign bosoms, reluctant to perceive good in our country, a sincere homage to the American name. He has turned the stream refluent upon the ancient fountains of Westminster Hall, and, stranger still, has forced the waters above their sources, up the unaccustomed heights of countries alien to the Common Law. It is he also who has directed, from the copious well-springs of Roman Law, and from the fresher

currents of modern Continental Law, a pure and grateful stream to enrich and fertilize our domestic jurisprudence. In his judgments, his books, and his teachings, he drew always from other systems to illustrate the Common Law.

The mind naturally seeks to compare him with eminent jurists, servants of Themis, who share with him the wide spaces of fame. In genius for the law, in the exceeding usefulness of his career, in the blended character of Judge and Author, he cannot yield to our time-honored master, Lord Coke; in suavity of manner, and in silver-tongued eloquence, he may compare with Lord Mansfield, while in depth, accuracy, and variety of juridical learning he surpassed him far; if he yields to Lord Stowell in elegance of diction, he exceeds even his excellence in curious exploration of the foundations of that jurisdiction which they administered in common, and in the development of those great principles of public law whose just determination helps to preserve the peace of nations; and even in the peculiar field illustrated by the long career of Eldon, we find him a familiar worker, with Eldon's profusion of learning, and without the perplexity of his doubts. There are many who regard the judicial character of the late Chief Justice Marshall as unapproachable. I revere his name, and have read his judgments, which seem like "pure reason," with admiration and gratitude; but I cannot disguise that even these noble memorials must yield in juridical character, learning, acuteness, fervor, variety of topics, as they are far inferior in amount, to those of our friend. There is still spared to us a renowned judge, at this moment the unquestioned living head of American jurisprudence, with no rival near the throne, — Chancel-

lor Kent, — whose judgments and works always inspired the warmest eulogy of the departed, and whose character as a jurist furnishes the fittest parallel to his own in the annals of our law.

It seems idle to weave further these vain comparisons, particularly to invoke the living. But busy fancy revives the past, and persons and scenes renew themselves in my memory. I call to mind the recent Chancellor of England, the model of a clear, grave, learned, and conscientious magistrate, — Lord Cottenham. I see again the ornaments of Westminster Hall, on the bench and at the bar, where sits Denman, in manner, conduct, and character "every inch" the judge, — where pleaded the consummate lawyer, Follett, whose voice is now hushed in the grave; their judgments, their arguments, their conversation I cannot forget; but thinking of these, I feel new pride in the great Magistrate, the just Judge, the consummate Lawyer whom we lament.

It has been my fortune to know the chief jurists of our time, in the classical countries of jurisprudence, France and Germany. I remember well the pointed and effective style of Dupin, in one of his masterly arguments before the highest court of France; I recall the pleasant converse of Pardessus — to whom commercial and maritime law is under a larger debt, perhaps, than to any other mind — while he descanted on his favorite theme; I wander in fancy to the gentle presence of him with flowing silver locks who was so dear to Germany, — Thibaut, the expounder of Roman law, and the earnest and successful advocate of a just scheme for the reduction of the unwritten law to the certainty of a written text; from Heidelberg I pass to Berlin, where I listen to the grave lecture and mingle

in the social circle of Savigny, so stately in person and peculiar in countenance, whom all the continent of Europe delights to honor; but my heart and my judgment, untravelled, fondly turn with new love and admiration to my Cambridge teacher and friend. Jurisprudence has many arrows in her quiver, but where is one to compare with that which is now spent in the earth?

The fame of the Jurist is enhanced by various attainments superinduced upon learning in the law. His "Miscellaneous Writings" show a thoughtful mind, imbued with elegant literature, warm with kindly sentiments, commanding a style of rich and varied eloquence. Many passages from these have become commonplaces of our schools. In early life he yielded to the fascinations of the poetic muse; and here the great lawyer may find companionship with Selden, who is introduced by Suckling into the "Session of the Poets" as "hard by the chair," — with Blackstone, whose "Farewell to his Muse" shows his fondness for poetic pastures, even while his eye was directed to the heights of the law, — and also with Mansfield, whom Pope has lamented in familiar words,

"How sweet an Ovid Murray! was our boast."

I have now before me, in his own handwriting, some verses written by him in 1833, entitled, "Advice to a Young Lawyer." As they cannot fail to be read with interest, I introduce them here.

"Whene'er you speak, remember every cause
Stands not on eloquence, but stands on laws;
Pregnant in matter, in expression brief,
Let every sentence stand with bold relief;
On trifling points nor time nor talents waste,
A sad offence to learning and to taste;

Nor deal with pompous phrase, nor e'er suppose
Poetic flights belong to reasoning prose.
Loose declamation may deceive the crowd,
And seem more striking as it grows more loud;
But sober sense rejects it with disdain,
As naught but empty noise, and weak as vain.
The froth of words, the schoolboy's vain parade
Of books and cases (all his stock in trade),
The pert conceits, the cunning tricks and play
Of low attorneys, strung in long array,
The unseemly jest, the petulant reply,
That chatters on, and cares not how nor why,
Studious, avoid: unworthy themes to scan,
They sink the speaker and disgrace the man;
Like the false lights by flying shadows cast,
Scarce seen when present, and forgot when past.

"Begin with dignity; expound with grace
Each ground of reasoning in its time and place;
Let order reign throughout; each topic touch,
Nor urge its power too little or too much;
Give each strong thought its most attractive view,
In diction clear, and yet severely true;
And as the arguments in splendor grow,
Let each reflect its light on all below.
When to the close arrived, make no delays
By petty flourishes or verbal plays,
But sum the whole in one deep, solemn strain,
Like a strong current hastening to the main."

But the jurist, rich with the spoils of time, the exalted magistrate, the orator, the writer, all vanish when I think of the friend. Much as the world may admire his memory, all who knew him will love it more. Who can forget his bounding step, his contagious laugh, his exhilarating voice, his beaming smile, his countenance that shone like a benediction? What pen can describe these? What canvas or marble can portray them? He was always the friend of the young, who never tired in listening to his mellifluous discourse. Nor did they ever leave his presence without a warmer glow of virtue,

a more inspiring love of knowledge, and more generous impulses of action. I remember him in my childhood; but I first knew him after he came to Cambridge as Professor, while I was yet an undergraduate, and now recall freshly, as if the words were of yesterday, the eloquence and animation with which at that time he enforced upon a youthful circle the beautiful truth, *that no man stands in the way of another.* The world is wide enough for all, he said, and no success which may crown our neighbor can affect our own career. In this spirit he ran his race on earth, without jealousy, without envy, — nay, more, overflowing with appreciation and praise of labors which compared humbly with his own. In conversation he dwelt with fervor upon all the topics which interest man, — not only upon law, but upon literature, history, human character, the affairs of every day, — above all, upon the great duties of life, the relations of men to each other, to country, to God. High in his mind, above all human opinions and practices, were the everlasting rules of *Right;* nor did he ever rise to truer eloquence than when condemning, as I have more than once heard him recently, that evil sentiment, "Our country, *right or wrong*," which, in whatsoever form of language it may disguise itself, assails the very foundations of justice and virtue.

He was happy in life, happy also in death. It was his hope, expressed in health, that he should not be allowed to linger superfluous on the stage, nor waste under the slow progress of disease. He was always ready to meet his God. His wishes were answered. Two days before his last illness he was in court, and delivered an elaborate judgment on a complicated case in equity. Since his death another judgment in a case

already argued before him has been found among his papers, ready to be pronounced.

I saw him for a single moment on the evening preceding his illness. It was an accidental meeting away from his own house, — the last time that the open air fanned his cheeks. His words of familiar, household greeting still linger in my ears, like an enchanted melody. The morning sun saw him on the bed from which he never rose.

Thus closed, after an illness of eight days, in the bosom of his family, without pain, surrounded by friends, a life which, through various vicissitudes of disease, had been spared beyond the grand climacteric, that Cape of Storms in the sea of human existence.

"Multis ille bonis flebilis occidit,
Nulli flebilior quam mihi."

He is gone, and we shall see him no more on earth, except in his works, and the memory of his virtues. The scales of justice, which he so long held, have fallen from his hand. The untiring pen of the Author rests at last. The voice of the Teacher is mute. The fountain, which was ever flowing and ever full, is stopped. The lips, on which the bees of Hybla might have rested, will no more distil their honeyed sweets. The manly form, warm with all the affections of life, with love for family and friends, for truth and virtue, is now cold in death. The justice of nations is eclipsed; the life of the law is suspended. But let us listen to the words which, though dead, he utters from the grave: "Sorrow not as those without hope." The righteous judge, the wise teacher, the faithful friend, the loving father, has ascended to his Judge, his Teacher, his Friend, his Father in Heaven.

THE WRONG OF SLAVERY.

SPEECH AT A PUBLIC MEETING IN FANEUIL HALL, BOSTON, AGAINST THE ADMISSION OF TEXAS AS A SLAVE STATE, NOVEMBER 4, 1845.

THE officers of this meeting were Hon. Charles Francis Adams, President; James M. Whiton, Charles G. Hovey, and William I. Bowditch, Secretaries. The President made a speech on taking the chair. He was followed by Hon. John G. Palfrey, Charles Sumner, Wendell Phillips, Henry B. Stanton, George S. Hillard, Rev. William H. Channing, and William Lloyd Garrison. The meeting was thus sympathetically described by the *Liberator*: —

"Faneuil Hall next had a meeting, more worthy of its fame than the one which was held in it on Tuesday evening last, to set the ball in motion for another grand rally of the freemen of the North against the admission of Texas into the Union as a Slave State. The weather was extremely unpropitious, — the rain pouring down violently, the thunder roaring, and the lightning blazing vividly at intervals, — emblematic of the present moral and political aspects of the country."

The *Daily Times*, a democratic paper of Boston, in its account of the meeting made the severe storm play an important part. Here is something of what it said: —

"The elements seemed determined not to sanction any such traitor-like movement, and interposed every obstacle to its success. It was proper that such a foul project should have foul weather as an accompaniment. The night was dark, and so were the designs contemplated." To oppose the extension of slavery was traitor-like, foul, and dark.

The Resolutions adopted at the meeting were drawn by Mr. Sumner, although introduced by another. They were the first political resolutions ever drawn by him, as the speech which follows was the first political speech ever made by him. The Resolutions, while condemning slavery and denouncing the plan to secure its predominance in the National Government, start with the annunciation of *Equal Rights and the*

Brotherhood of all Men, as set forth in the Declaration of Independence, which Mr. Sumner always, from beginning to end, made the foundation of his arguments, appeals, and aspirations.

"*Whereas* the Government and Independence of the United States are founded on the adamantine truth of *Equal Rights and the Brotherhood of all Men*, declared on the 4th of July, 1776, a truth receiving new and constant recognition in the progress of time, and which is the great lesson from our country to the world, in support of which the founders toiled and bled, and on account of which we, their children, bless their memory, —

"*And whereas* it is essential to our self-respect as a nation, and to our fame in history, that this truth, declared by our fathers, should not be impeached or violated by any fresh act of their children, —

"*And whereas* the scheme for the annexation of Texas as a Slave State, begun in stealth and fraud, and carried on to confirm Slavery and extend its bounds, in violation of the fundamental principle of our institutions, is not consummated, and may yet be arrested by the zealous and hearty co-operation of all who sincerely love their country and the liberty of mankind, —

"*And whereas* this scheme, if successful, involves the whole country, Free States as well as slave-owners, in one of the two greatest crimes a nation can commit, and threatens to involve them in the other, — namely, Slavery and unjust War, — Slavery of the most revolting character, and War to sustain Slavery, —

"*And whereas* the State Constitution of Texas, which will soon be submitted to Congress for adoption or rejection, expressly prohibits the Legislature, except under conditions rendering the exception practically void, from enacting any law for the emancipation of slaves, and for the abolition of the slave-trade between Texas and the United States, thereby reversing entirely the natural and just tendency of our institutions towards Freedom, —

"*And whereas* the slaveholders seek annexation for the purpose of increasing the market of human flesh, and for extending and perpetuating Slavery, —

"*And whereas*, by the triumph of this scheme, and by creating new Slave States within the limits of Texas, the slaveholders seek to control the political power of the majority of freemen represented in the Congress of the Union: —

"*Therefore be it resolved*, In the name of God, of Christ, and of Humanity, that we, belonging to all political parties, and reserving all other reasons of objection, unite in protest against the admission of Texas into this Union as a Slave State.

"*Resolved*, That the people of Massachusetts will continue to resist the consummation of this wicked purpose, which will cover the country with disgrace, and make us responsible for crimes of gigantic magnitude.

"*Resolved*, That we have the fullest confidence that the Senators and Representatives of Massachusetts in Congress will never consent to the admission of Texas as a Slave State, but by voice and vote will resist this fatal measure to the utmost at every stage.

"*And furthermore, whereas* the Congress of the United States, by assuming to connect this country with a foreign state, have already involved the people of the Free States in great expenditure for the protection of the usurped territory by force of arms on sea and land, —

"*And whereas* a still greater outlay may hereafter be incurred to maintain by violence what is held by wrong: —

"*Resolved*, That we protest against the policy of enlisting the strength of a free people to sustain by physical force a measure urged with the criminal purpose of perpetuating a system of slavery at war with the fundamental principle of our institutions.

"*Resolved*, That a committee be appointed by the chair to present copies of these Resolutions to the Senators and Representatives from Massachusetts, and also to send them to every Senator and Representative in Congress from the Free States."

MR. CHAIRMAN, — I could not listen to the appropriate remarks of my friend, the Secretary of the Commonwealth,[1] without recalling an important act in his life, and feeling anew what all must feel, the beauty of his example in the fraternal treatment of slaves descended to him by inheritance, manumitting them as he has done, and conducting them far away from Slavery into these more cheerful precincts of Freedom. In offering him this humble tribute, I am sure that I awaken a response in every heart that has not ceased to throb at the recital of an act of self-sacrifice and humanity. He has done as a citizen what Massachusetts is now called to do as a State. He has divested himself of all responsibility for any accession of slave property, and the State must do likewise.

There are occasions, in the progress of affairs, when persons, though ordinarily opposed to each other, come together, and even the lukewarm, the listless, the indifferent unite heartily in a common object. Such is the case in great calamities, when the efforts of all are needed to avert a fatal blow. If the fire-bell startles us from our

[1] Hon. John G. Palfrey.

slumbers, we do not ask of what faith in politics or religion is the unfortunate brother whose house is exposed to conflagration; it is enough that there is misfortune to be averted. In this spirit we have assembled on this inclement evening, — putting aside all distinctions of party, — forgetting all disagreements of opinion, to remember one thing only, on which all are agreed, — renouncing all discords, to stand firm on one ground only, where we all meet in concord: I mean opposition to Texas as a Slave State.

The scheme for the annexation of Texas, begun in stealth and fraud, in order to extend and strengthen Slavery, has not yet received the final sanction of Congress. According to the course proposed by these machinators, it is necessary that Texas should be formally admitted into the family of States by a vote of Congress, and that her Constitution should be approved by Congress. The question will be presented this winter, and we would, if we could, strengthen the hearts and words of those by whom the measure will be opposed.

Ours is no factious or irregular course. It has the sanction of the best examples on a kindred occasion. The very question before us occurred in 1819, on the admission of Missouri as a Slave State. I need not remind you of the ardor and constancy with which this was opposed at the North, by men of all parties, with scarcely a dissenting voice. One universal chorus of protest thundered from the North against the formation of what was called another *black State*. Meetings were convened in all the considerable towns, — Philadelphia, Trenton, New York, New Haven, and everywhere throughout Massachusetts, — to make this oppo-

sition audible on the floor of Congress. At Boston, December the 3d, 1819, a meeting without distinction of party, and embracing the leaders of both sides, was held in the State-House. That meeting, in its object, was precisely like the present. A numerous committee to prepare resolutions was appointed, of which William Eustis, afterwards Governor of Massachusetts, was chairman. With him were associated John Phillips, at that time President of the Senate of Massachusetts, — a name dear to every friend of the slave, as father of him to whose eloquent voice we hope to listen to-night,[1] — Timothy Bigelow, Speaker of the House of Representatives, William Gray, Henry Dearborn, Josiah Quincy, Daniel Webster, William Ward, William Prescott, Thomas H. Perkins, Stephen White, Benjamin Pickman, William Sullivan, George Blake, David Cummins, James Savage, John Gallison, James T. Austin, and Henry Orne. No committee could have been appointed better fitted to inspire the confidence of all sides. Numerous as were its members, they were all men of mark and consideration in our community. This committee reported the following resolutions, which were adopted by the meeting.

"*Resolved*, as the opinion of this meeting, that the Congress of the United States possesses the constitutional power, upon the admission of any new State created beyond the limits of the original territory of the United States, to make the prohibition of the further extension of slavery or involuntary servitude in such new State a condition of its admission.

"*Resolved*, That, in the opinion of this meeting, it is just and expedient that this power should be exercised by Congress upon the admission of all new States created beyond the original limits of the United States."

[1] Wendell Phillips Esq.

The meeting in Boston was followed by another in Salem, called, according to the terms of the notice, to consider "whether the immense region of country extending from the Mississippi to the Pacific Ocean is destined to be the abode of happiness, independence, and freedom, *or the wide prison of misery and slavery.*" Resolutions were passed against the admission of any Slave State, being supported by Benjamin T. Pickman, Andrew Dunlap, and Joseph Story, a name of authority wherever found. In the meeting at Worcester, Solomon Strong and Levi Lincoln took a prominent part. Resolutions were adopted here, "earnestly requesting their representatives in Congress to use their unremitted exertions to prevent the sanction of that honorable body to any further introduction of slavery within the extending limits of the United States." By these assemblies the Commonwealth was aroused. To Slavery it presented an unbroken front.

Since these efforts in the cause of Freedom twenty-five years have passed. Some of the partakers in them are still spared to us, — I need not add, full of years and honors. The larger part have been called from the duty of opposing slavery on earth. The same question which aroused their energies presents itself to us. Shall we be less faithful than they? Will Massachusetts oppose a less unbroken front now than then? In the lapse of these few years has the love of freedom diminished? Has sensibility to human suffering lost any of the keenness of its edge?

Let us regard the question more closely. Congress is asked to sanction the Constitution of Texas, which not only supports slavery, but contains a clause prohibiting the Legislature of the State from abolishing slavery.

In doing this, it will give a fresh stamp of legislative approbation to an unrighteous system; it will assume a new and active responsibility for the system; it will again become a dealer in human flesh, and on a gigantic scale. At this moment, when the conscience of mankind is at last aroused to the enormity of holding a fellow-man in bondage, when, throughout the civilized world, a slave-dealer is a by-word and a reproach, we as a nation are about to become proprietors of a large population of slaves. Such an act, at this time, is removed from the reach of that palliation often extended to slavery. Slavery, we are speciously told by those who defend it, is not our original sin. It was entailed upon us by our ancestors, so we are instructed; and the responsibility is often, with exultation, thrown upon the mother country. Now, without stopping to inquire into the truth of this allegation, it is sufficient for the present purpose to know that by welcoming Texas as a Slave State we make slavery our own original sin. Here is a new case of actual transgression, which we cannot cast upon the shoulders of any progenitors, nor upon any mother country, distant in time or place. The Congress of the United States, the people of the United States, at this day, in this vaunted period of light, will be responsible for it; so that it will be said hereafter, so long as the dreadful history of Slavery is read, that in the present year of Christ a new and deliberate act was passed to confirm and extend it.

By the present movement we propose no measure of change. We do not offer to interfere with any institution of the Southern States, nor to modify any law on the subject of Slavery anywhere under the Constitution. Our movement is conservative. It is to preserve ex-

isting supports of Freedom; it is to prevent the violation of free institutions in their vital principles.

Such a movement should unite in its support all but those few in whose distorted or unnatural vision slavery seems to be a great good. Most clearly should it unite the freemen of the North, by all the considerations of self-interest, and by those higher considerations founded on the rights of man. I cannot dwell now upon the controlling political influence in the councils of the country which the annexation of Texas will secure to slaveholders. This topic is of importance; but it yields to the supreme requirements of religion, morals, and humanity. I cannot banish from my view the great shame and wrong of slavery. Judges of our courts have declared it contrary to the Law of Nature, finding its support only in positive enactments of men. Its horrors who can tell? Language utterly fails to depict them.

By the proposed measure, we not only become parties to the acquisition of a large population of slaves, with all the crime of slavery, but we open a new market for the slaves of Virginia and the Carolinas, and *legalize a new slave-trade.* A new slave-trade! Consider this well. You cannot forget the horrors of that too famous "middle passage," where crowds of human beings, stolen, and borne by sea far from their warm African homes, are pressed on shipboard into spaces of smaller dimensions for each than a coffin. And yet the deadly consequences of this middle passage are believed to fall short of those sometimes undergone by the wretched coffles driven from the exhausted lands of the Northern Slave States to the sugar plantations nearer the sun of the South. One quarter part are said

often to perish in these removals. I see them, in imagination, on their fatal journey, chained in bands, and driven like cattle, leaving behind what has become to them a home and a country, (alas! what a home, and what a country!) — husband torn from wife, and parent from child, to be sold anew into more direful captivity. Can this take place with our consent, nay, without our most determined opposition? If the slave-trade is to receive new adoption from our country, let us have no part or lot in it. Let us wash our hands of this great guilt. As we read its horrors, may each of us be able to exclaim, with conscience void of offence, "Thou canst not say I did it." God forbid that the votes and voices of Northern freemen should help to bind anew the fetters of the slave! God forbid that the lash of the slave-dealer should descend by any sanction from New England! God forbid that the blood which spurts from the lacerated, quivering flesh of the slave should soil the hem of the white garments of Massachusetts!

Voices of discouragement reach us from other parts of the country, and even from our own friends in this bracing air. We are told that all exertion will be vain, and that the admission of a new Slave State is "a foregone conclusion." But this is no reason why we should shrink from duty. "I will try," was the response of an American officer on the field of battle. "England expects every man to do his duty," was the signal of the British admiral. Ours is a contest holier than those which aroused these stirring words. Let *us* try. Let every man among *us* do his duty.

And suppose New England stands alone in these efforts; suppose Massachusetts stands alone: is it not a noble isolation? Is it not the post of honor? Is it not

the position where she will find companionship with all that is great and generous in the past, — with all the disciples of truth, of right, of liberty? It has not been her wont on former occasions to inquire whether she should stand alone. Your honored ancestor, Mr. Chairman, who from these walls regards our proceedings to-night, did not ask whether Massachusetts would be alone, when she commenced that opposition which ended in the independence of the Thirteen Colonies.

But we cannot fail to accomplish great good. It is in obedience to a prevailing law of Providence, that no act of self-sacrifice, of devotion to duty, of humanity can fail. It stands forever as a landmark, from which at least to make a new effort. Future champions of equal rights and human brotherhood will derive new strength from these exertions.

Let Massachusetts, then, be aroused. Let all her children be summoned to this holy cause. There are questions of ordinary politics in which men may remain neutral; but neutrality now is treason to liberty, to humanity, and to the fundamental principles of free institutions. Let her united voice, with the accumulated echoes of freedom that fill this ancient hall, go forth with comfort and cheer to all who labor in the same cause everywhere throughout the land. Let it help to confirm the wavering, and to reclaim those who have erred from the right path. Especially may it exert a proper influence in Congress upon the representatives of the Free States. May it serve to make them as firm in the defence of Freedom as their opponents are pertinacious in the cause of Slavery.

Massachusetts must continue foremost in the cause of Freedom; nor can her children yield to deadly dalliance

with Slavery. They must resist at all times, and be forearmed against the fatal influence. There is a story of the magnetic mountain which drew out the iron bolts of a ship, though at a great distance. Slavery is such a mountain, and too often draws out the iron bolts of representatives. There is another story of the Norwegian maelström, which, after sucking a ship into its vortex, whirls the victim round and round until it is dashed in pieces. Slavery is such a maelström. Representatives must continue safe and firm, notwithstanding magnetic mountain or maelström. But this can be only by following those principles for which Massachusetts is renowned.

A precious incident in the life of one whom our country has delighted to honor furnishes an example for imitation. When Napoleon, already at the pinnacle of military honor, but lusting for perpetuity of power, caused a vote to be taken on the question, whether he should be First Consul for life, Lafayette, at that time in retirement, and only recently, by his intervention, liberated from the dungeons of Olmütz, deliberately registered his *No.* Afterwards revisiting our shores, the scene of his youthful devotion to freedom, and receiving on all sides that beautiful homage of thanksgiving which is of itself an all-sufficient answer to the sarcasm that republics are ungrateful, here in Boston, this illustrious Frenchman listened with especial pride to the felicitation addressed to him as "the man who knew so well how to say *No.*" Be this the example for Massachusetts; and may it be among her praises hereafter, that on this occasion she knew so well how to say NO!

EQUAL RIGHTS IN THE LECTURE-ROOM.

LETTER TO THE COMMITTEE OF THE NEW BEDFORD LYCEUM, NOVEMBER 29, 1845.

After accepting an invitation to lecture before the Lyceum at New Bedford, Mr. Sumner, learning that colored persons were denied membership and equal opportunities with white persons, refused to lecture, as appears in the following Letter, which was published in the papers of the time.

Shortly afterwards the obnoxious rule was rescinded, and Mr. Sumner lectured.

BOSTON, November 29, 1845.

MY DEAR SIR, — I have received your favor of November 24, asking me to appoint an evening in February or March to lecture before the New Bedford Lyceum, in pursuance of my promise.

On receiving the invitation of your Lyceum, I felt flattered, and, in undertaking to deliver a lecture at some time, to be appointed afterwards, I promised myself peculiar pleasure in an occasion of visiting a town which I had never seen, but whose refined hospitality and liberal spirit, as described to me, awakened my warmest interest.

Since then I have read in the public prints a protest, purporting to be by gentlemen well known to me by reputation, who are members of the Lyceum, and some of them part of its government, from which it appears that in former years tickets of admission were freely sold to colored persons, as to white persons, and that no

objection was made to them as members, but that at the present time tickets are refused to colored persons, and membership is also refused practically, though, by special vote recently adopted, they are allowed to attend the lectures without expense, provided they will sit in the north gallery.

From these facts it appears that the New Bedford Lyceum has undertaken within its jurisdiction to establish a distinction of *Caste* not recognized before.

One of the cardinal truths of religion and freedom is the *Equality and Brotherhood of Man.* In the sight of God and of all just institutions the white man can claim no precedence or exclusive privilege from his color. It is the accident of an accident that places a human soul beneath the dark shelter of an African countenance, rather than beneath our colder complexion. Nor can I conceive any application of the divine injunction, Do unto others as you would have them do unto you, more pertinent than to the man who founds a discrimination between his fellow-men on difference of skin.

It is well known that the prejudice of color, which is akin to the stern and selfish spirit that holds a fellow-man in slavery, is peculiar to our country. It does not exist in other civilized countries. In France colored youths at college have gained the highest honors, and been welcomed as if they were white. At the Law School there I have sat with them on the same benches. In Italy I have seen an Abyssinian mingling with monks, and there was no apparent suspicion on either side of anything open to question. All this was Christian: so it seemed to me.

In lecturing before a Lyceum which has introduced the prejudice of color among its laws, and thus formal-

ly reversed an injunction of highest morals and politics, I might seem to sanction what is most alien to my soul, and join in disobedience to that command which teaches that the children of earth are all of one blood. I cannot do this.

I beg, therefore, to be excused at present from appointing a day to lecture before your Lyceum; and I pray you to lay this letter before the Lyceum, that the ground may be understood on which I deem it my duty to decline the honor of appearing before them.

I hope you will pardon the frankness of this communication, and believe me, my dear Sir,

Very faithfully yours,

CHARLES SUMNER.

To the Chairman of the Committee of the New Bedford Lyceum.

PRISONS AND PRISON DISCIPLINE.*

Article from the Christian Examiner, January, 1846.

IT is with a feeling of deference that we welcome Miss Dix's "Remarks on Prisons and Prison Discipline." Her peculiar labors for humanity, and her renunciation of the refined repose which has such attractions for her sex, to go about doing good, enduring the hardships of travel, the vicissitudes of the chang-

* 1. *Remarks on Prisons and Prison Discipline in the United States.* By D. L. Dix. Second Edition. Philadelphia. 1845. 8vo. pp. 108.

2. *Nineteenth Annual Report of the Board of Managers of the Prison Discipline Society.* Boston. 1844. 8vo. pp. 116.

3. *Prisons and Prisoners.* By Joseph Adshead. With Illustrations. London. 1845. 8vo. pp. 320.

4. *Report of the Surveyor-General of Prisons on the Construction, Ventilation, and Details of the Pentonville Prison.* London. 1844. fol. pp. 30.

5. *Revue Pénitentiaire des Institutions Préventives*, sous la Direction de M. Moreau-Christophe. Tom. II. Paris. 1845. 8vo. pp. 659.

6. *Du Projet de Loi sur la Réforme des Prisons.* Par M. Léon Faucher. Paris. 1844. 8vo.

7. *Considérations sur la Réclusion Individuelle des Détenus.* Par W. H. Suringar. Traduit du Hollandais sur la seconde Édition. Précédées d'une Préface, et suivies du Résumé de la Question Pénitentiaire, par L. M. Moreau-Christophe. Paris et Amsterdam. 1843. 8vo. pp. 131.

8. *Nordamerikas Sittliche Zustände.* (The Moral Condition of North America.) Von Dr. N. H. Julius. 2 Bände. Leipzig. 1839. 8vo.

9. *Archiv des Criminalrechts, herausgegeben* von den Professoren Abegg, Birnbaum, Heffter, Mittermaier, Wächter, Zachariä. (Archives of Criminal Law, edited by Professors Abegg, etc.) Halle. 1843. 12mo. pp. 597.

ing season, and, more trying still, the coldness of the world, awaken towards her a sense of gratitude, and invest her name with an interest which must attach to anything from her pen.

The chosen and almost exclusive sphere of woman is home, in the warmth of the family hearth. Rarely is she able to mingle with effect in the active labors which influence mankind. With incredulity we admire the feminine expounder of the Roman law, illustrating by her lectures the Universities of Padua and Bologna, — and the charities of St. Elizabeth of Hungary are legendary in the dim distance; though, in our own day, the classical productions of the widow of Wyttenbach, crowned Doctor of Philosophy by the University of Marburg, and most especially the beautiful labors of Mrs. Fry, recently closed by death, are examples of the sway exerted by the gentler sex beyond the charmed circle of domestic life. Among these Miss Dix will receive a place which her modesty would forbid her to claim. Her name will be enrolled among benefactors. It will be pronounced with gratitude, when heroes in the strifes of politics and of war are disregarded or forgotten.

> "Can we forget the generous few
> Who, touched with human woe, redressive sought
> Into the horrors of the gloomy jail,
> Unpitied and unheard, where misery moans,
> Where sickness pines?"

Miss Dix's labors embrace penitentiaries, jails, almshouses, poor-houses, and asylums for the insane, throughout the Northern and Middle States, — all of which she has visited, turning a face of gentleness towards crime, comforting the unfortunate, softening a hard lot, sweetening a bitter cup, while she obtained information of

their condition calculated to awaken the attention of the public. This labor of love she has pursued earnestly, devotedly, sparing neither time nor strength, neglecting no person, abject or lowly, frequenting the cells of all, and by word and deed seeking to strengthen their hearts. The melody of her voice still sounds in our ears, as, standing in the long corridor of the Philadelphia Penitentiary, she read a Psalm of consolation; nor will that scene be effaced quickly from the memory of any then present. Her Memorials, addressed to the Legislatures of different States, have divulged a mass of facts, derived from personal and most minute observation, particularly with regard to the treatment of the insane, which must arouse the sensibilities of a humane people. In herself alone she is a whole Prison Discipline Society. To her various efforts may be applied, without exaggeration, those magical words in which Burke commemorated the kindred charity of Howard, when he says that he travelled, "not to survey the sumptuousness of palaces or the stateliness of temples, not to make accurate measurements of the remains of ancient grandeur nor to form a scale of the curiosity of modern art, not to collect medals or collate manuscripts, but to dive into the depths of dungeons, to plunge into the infection of hospitals, to survey the mansions of sorrow and pain, to take the gauge and dimensions of misery, depression, and contempt, to remember the forgotten, to attend to the neglected, to visit the forsaken, and to compare and collate the distresses of all men."

Her "Remarks" contain general results on different points connected with the discipline of prisons: as, the duration of sentences; pardons and the pardoning

power; diet of prisoners; water; clothing; ventilation; heat; health; visitors' fees; dimensions of lodging-cells in the State penitentiaries; moral, religious, and general instruction in prisons; reformation of prisoners; penitentiary systems of the United States; and houses of refuge for juvenile offenders. It would be interesting and instructive to examine the conclusions on all these important topics having the sanction of her disinterested experience; but our limits restrict us, on the present occasion, to a single topic.

We are disposed to take advantage of the interest Miss Dix's publication may excite, and also of her name, which is an authority, to say a few words on a question much agitated, and already the subject of many books, — the comparative merits of what are called the Pennsylvania and Auburn Penitentiary Systems. This question is, perhaps, the most important of all that grow out of Prisons; for it affects, in a measure, all others. It involves both the construction of the prison, and its administration.

The subject of Prison Discipline, and particularly the question between the two systems, has of late years occupied the attention of jurists and philanthropists in no ordinary degree. The discussion has been conducted in all the languages of Europe, to such an extent that the titles alone of the works would occupy considerable space in a volume of Bibliography. We have before us, for instance, a list of no less than eleven in Italian. But we must go back to the last century, if we would trace the origin of the controversy.

To Howard, a man of true greatness, whose name will stand high on the roll of the world's benefactors, belongs the signal honor of first awakening the sympa-

thies of the English people in this work of benevolence. By his travels and labors he became familiar with the actual character of prisons, and was enabled to spread before the public an accumulation of details which fill the reader with horror and disgust. The condition of prisons at that time in England was appalling. Of course there was no system; nor was there any civilization in the treatment of prisoners. Everything was bad. As there was no care, so there was no cleanliness, on which so much depends, and there was no classification or separation of any kind. All commingled, so that the uncleanness of one befouled all, and the wickedness of one contaminated all. While this continued, all hope of reform was vain. Therefore, with especial warmth, Howard pleaded for the *separation* of prisoners, especially at night, "wishing to have so many small rooms or cabins that each criminal may sleep alone,"[1] and called attention to the fact he had observed in Holland, that "in most of the prisons for criminals there are so many rooms that each prisoner is kept separate."[2]

The importance of the principle of separation was first recognized at Rome, as long ago as 1703, by Clement XI., in the foundation of the Hospital of St. Michael, or the House of Refuge, where a separate dormitory was provided for each prisoner. Over the portal of this asylum, in letters of gold, were inscribed the words of wisdom which Howard adopted as the motto of his labors, and which indicate the spirit that should preside over the administration of all prisons: *Parum est improbos coercere pœna, nisi probos efficias disciplina,* — It is of small consequence to coerce the wicked by pun-

[1] Howard, State of the Prisons, p. 22. [2] Ibid. p. 45.

ishment, unless you make them good by discipline. The first and most important step in this discipline is to remove prisoners from all evil influence,—which can be done only by separation from each other, and by filling their time with labor.

In furtherance of this principle, and that he might reduce it to practice, Howard, in conjunction with Sir William Blackstone, as early as 1779, drew an Act of Parliament, the preamble to the fifth section of which is an enunciation of the cardinal truth at the foundation of all effective prison discipline.

"Whereas," says the Act, "if many offenders, convicted of crimes for which transportation hath been usually inflicted, *were ordered to solitary imprisonment, accompanied by well-regulated labor and religious instruction*, it might be the means, under Providence, not only of deterring others from the commission of the like crimes, *but also of reforming the individuals*," etc. Noble words! Here, for the first time in English legislation, the reformation of the prisoner is proposed as a distinct object. This Act, though passed, was unfortunately never carried into execution, through the perverseness, it is said, of one of the persons associated with Howard as commissioner for erecting a suitable prison.

As early as 1790 a law was passed in Pennsylvania, which is of importance in the history of this subject, showing appreciation of the principle of seclusion with labor. In the preamble it is declared, that previous laws for the punishment of criminals had failed of success, "from the *communication* with each other not being sufficiently restrained within the places of confinement, and it is hoped *that the addition of unremitted solitude to laborious employment*, as far as it can

be effected, will contribute as much to reform as to deter"; and the Act further provides, that certain persons shall be "*kept separate and apart from each other*, as much as the convenience of the building will admit." The principle of separation, when first announced by Howard, and practically attempted in Pennsylvania, was imperfectly understood. It was easy to see the importance of separation; but how should it be applied? In Pennsylvania it was attempted at first with such rigor as to justify its designation as the *Solitary System*. But as the new penitentiary in Philadelphia was about to be occupied, a law was passed providing that after July 1st, 1829, convicts should, "instead of the penitentiary punishments heretofore prescribed, be sentenced to suffer punishment by *separate* or solitary confinement at *labor*"; and there is further provision for "visits to the prisoners." Here were the two elements, — first, of labor, and, secondly, of visits. In pursuance of this Act, that penitentiary was organized at Philadelphia which afforded the first example on an extended scale of the absolute separation of convicts from each other, combined with labor. And this penitentiary has given its name to the class of prisons founded on this principle.

It should be borne in mind that this system is distinguishable from one of *solitary* confinement with labor, — much more from one of mere solitary confinement without labor. An intemperate opponent, too rash or prejudiced to recognize all the truth, has often characterized the present Pennsylvania system as the *Solitary System*, and by this term not unfrequently aroused a feeling against it which must disappear before a candid inquiry. It is easy to condemn any system of absolute solitude without solace of labor or society. The exam-

ples of history rise in judgment against such. Who can forget the Bastile? We have the testimony of Lafayette, whose own further experience at Olmütz should not be neglected, as to its effect. "I repaired to the scene," he says, "on the second day of the demolition, and found that all the prisoners had been deranged by their solitary confinement, except one. He had been a prisoner twenty-five years, and was led forth during the height of the tumultuous riot of the people, whilst engaged in tearing down the building. He looked around with amazement, for he had seen nobody for that space of time, and before night he was so much affected that he became a confirmed maniac." But the Bastile is not the only prison whose stones, could they speak, would tell this fearful tale; nor is Lafayette the only reporter.

Names often have the importance of things; and it cannot be doubted that the ignorant or dishonest application of the term *solitary* to the Pennsylvania system is a strong reason for the opposition it has encountered.

The *Separate System* has but one essential condition, — the absolute separation of prisoners from intercourse of any kind with each other. On this may be engrafted labor, instruction, and even constant society with officers of the prison, or with virtuous persons. In fact, these have become, in greater or less degree, component parts of the system. In constant employment the prisoner finds peace, and in the society with which he is indulged innocent relaxation and healthy influence. This is the Pennsylvania system.

There is another and rival system, first established in the *Maison de Force* at Ghent, but borrowing its name

from the Auburn Penitentiary of New York, where it was first introduced in 1816, by a remarkable disciplinarian, Elam Lynds. Here the prisoners are separated only at night, each sleeping in a small cell or dormitory by himself. During the day they labor together in shops, or in the open air, according to the nature of the work, — being prohibited from speaking to each other, under pain of punishment. From the latter feature this is often called the *Silent System.* As its chief peculiarity, in contradistinction to the *Separate System,* is the working of prisoners in assemblies, where all see and are seen, it may be more properly designated the *Congregate System.*

Such, in brief, are these two systems, which, it will be observed, both aim at the same object, *the separation of prisoners so that they can have no intercourse with each other.* In the one this end is attained by their physical separation from each other both night and day; in the other, by such separation at night, with untiring watch by day to prevent intercourse. Of course, separation by the Congregate system is less complete than by the other. Conversation by words may be restrained; though it is now admitted that no guardian can be sufficiently watchful to intercept on all occasions those winged messengers. The extensive unspoken, unwritten language of signs, the expression of the countenance, the movements of the body, may telegraph from convict to convict thoughts of stubbornness, hatred, or revenge.

If separation be desirable, should it not be complete? Should not the conducting wires be broken, so that no electrical spark may propagate its disturbing force? But the very pains taken in the Congregate system to insure silence by day and separation by night answer

this question. Thus, by strange inconsistency, t e advocates of the *Congregate* system seek to enfore *seq ɹration.* Wedded to an imperfect practice, they recognize the correct principle.

Before proceeding farther with this comparison it is proper to glance at the real objects of prison discipline, that we may be better enabled to determine which system is best calculated to answer these objects.

Three things are proposed by every enlightened system: first, to deter others from crime; secondly, to prevent the offender from preying again upon society; thirdly, discipline and care, so far as possible to promote reformation. There are grounds for belief that the first two purposes are best attained by the Separate system; but without considering these particularly, let us pass to the question, Which is best calculated to perform that truly heavenly function of reforming the offender?

Is not the answer prompt and decisive in favor of that system which most completely protects the prisoner from the pernicious influence of brethren in guilt? It is a venerable proverb, that a man is known by the company he keeps; and this is a homely expression of the truth, that the character of a man is naturally in harmony with those about him. If the society about him is virtuous, his own virtues will be confirmed and expanded; on the other hand, if it be wicked, then will the demon of his nature be aroused. Bad qualities, as well as good, are quickened and strengthened under the influence of society. Every association of prisoners must pervert, in greater or less degree, but can never reform, those of whom it is composed. The obdurate offender, perpetually brooding on evil, even though he utter no audible word, will impart to the congregation

something of his own hardness of heart. Are we not told by the poet, that sheep and swine take contagion from one of their number, and even a grape is spoiled by another grape?

> "Dedit hanc contagio labem,
> Et dabit in plures; sicut grex totus in agris
> Unius scabie cadit, et porrigine porci,
> *Uvaque conspecta livorem ducit ab uva.*" [1]

From the inherent nature of things, this contagion must be propagated by the Congregate system, while the Separate system does all that man can do to restrain it. By the latter, as successfully administered, the prisoner is, in the first place, withdrawn, so far as possible by human means, from all bad influences, while, in the second place, he is brought under the operation of good influences. The mind is naturally diverted from thick-coming schemes of crime, and turned to thoughts of virtue. What in it is bad, if not entirely subdued, is weakened by inactivity, while the good is prompted to constant exercise.

It cannot be questioned, then, on grounds of reason, independent of experience, that the Separate system is better calculated to promote that great object of Prison Discipline, the reformation of the offender. With this recommendation alone it would be entitled to the regard of all who feel that the return of a single sinner is blessed.

But a further object is secured. As the prisoners never see one another, they leave the penitentiary, at the expiration of their punishment, literally unknowing and unknown. In illustration of this fact, the delightful incident is mentioned, that the keeper of the Philadelphia Penitentiary once recognized three persons at the

[1] Juv., Sat. II. 78 – 81.

same place, engaged in honest labor, who had been in his custody as convicts, though neither knew the career of the other two. Discharged prisoners are thus enabled to slide back into the community, without the chilling fear of untimely recognition by those with whom they congregated in the penitentiary. They cannot escape the memory of the punishment they have endured; but the brand is not upon the forehead. They are encouraged to honest exertion by the hope of retrieving, on a distant spot and under a new name, the fair character they have lost; while, on the other hand, if evil-minded, they have no associations of the prison to renew, or to stimulate to conspiracy against society.

A system of Prison Discipline with these benign features must long ago have commended itself to general acceptance, if it had not been opposed with exceptional ardor on grounds which, though in reality little tenable, are calculated to exercise influence over the ignorance and prejudice of men.

The first objection is, that it is productive of insanity, from an unnatural deprivation of society. However just this may be when directed against the Solitary system, it is inapplicable to what is called the Separate system, which does not exclude the idea of society, and, as practically administered at Philadelphia and elsewhere, supplies both society and labor in ample measure. If the prisoner is not indulged with society enough, it is a fault in the administration of the system, and not in the system itself. In the publications of the Boston Prison Discipline Society, elaborate tables have been arranged showing a tendency to insanity in the Penitentiary at Philadelphia; but careful and candid inquiry will demonstrate that these are founded in misapprehen-

sion, and will exonerate that institution from such imputation. The highest authorities in medicine have distinctly declared, that the Separate system, if properly administered, with labor and conversation, does not affect the reason. The names of Esquirol and Louis give to this opinion the strongest sanction of science throughout the civilized world. The same conclusion was affirmed with precision and fervor by Lélut, in an elaborate memoir before the Institute of France, and also by the Scientific Congress assembled at Padua in 1843, and at Lucca in 1844.

The second objection charges the Separate system with being unfavorable to health, as compared with the Congregate system. In reply we merely say, that the great names in medicine to which we have already referred expressly deny that it has any influence in shortening life; while a statistical comparison of several penitentiaries conducted on the Congregate system with the Philadelphia Penitentiary attests the superiority of the latter in this respect.

The third and last objection is founded on the increased expense of the Separate system. The Congregate system is recommended by suggestions of economy and clamors of cupidity. It is said to be put into operation at less cost, and afterwards to support itself, and even to bring profit to the State. We are sorry to believe that this consideration has had an extensive influence. It is humiliating to suppose that Government would hesitate to adopt a system founded on enlightened humanity because another might be had for less money, — counting the unworthy gain or the petty economy as of higher consequence than the reformation of an offender. Such a course were unworthy

of our civilization. The State has sacred duties to the unfortunate men it takes into its custody. It must see not only that they receive no harm, but that they enjoy all means of improvement consistent with their condition, — that, while their bodies are clothed and fed, their souls are not left naked and hungry. It assumes the place of parent, and owes a parent's care and kindness; or rather, when we consider that the State itself is child of the people, may we not say that it should emulate that famous Roman charity, so often illustrated by Art, which descended into the darkness of a dungeon, to afford an exuberant, health-giving bosom to the exhausted being from whom it drew its own life.

Notwithstanding the uncompromising hostility the Separate system has encountered, it wins constant favor. Many prisons are built on this plan, and experience comes to confirm the suggestions of humanity and science. The Penitentiary at Philadelphia, which first proved its superiority, was followed in 1833 by one at Pittsburg and by a County Prison at Alleghany, and in 1841 by another County Prison, on the same system, at Harrisburg. In 1834 New Jersey followed the example of her neighbor State, and established a penitentiary on this system at Trenton.

Commissions from foreign governments, after visiting the different prisons of the United States, have all reported *emphatically* in favor of the Separate system: as, that of Beaumont and De Tocqueville to the French Government, in 1831; of Mr. Crawford to the English, in 1834; of Dr. Julius to the Prussian, in 1836, after a most careful perambulation of all the prisons of the country; of Demetz and Blouet to the French, in 1837,

— being the second Commission from the same Government; and of Neilson and Mondelet to the Canadian Government, in 1836.

In accordance with these recommendations, numerous prisons have been built or are now building in Europe. In England a model prison has been constructed at Pentonville, which is perhaps the best prison in the world. In the late Report of the Surveyor-General of Prisons, laid on the table of Parliament during its last session, it was expressly declared, from the experience gained in the Pentonville prison, "that the separation of one prisoner from another is indispensable as the basis of any sound system." As long ago as 1843, no less than seventeen prisons on this principle were built or building in different counties of England, and several in Scotland. In France the whole subject has undergone most thorough discussion by the press, and also in debate by the Chamber of Deputies. Among the works now before us is a volume of more than six hundred pages, filled by a report of this debate, with notes, which ended in the passage of a law during the last summer appropriating ninety millions of francs for the building of thirty prisons on the Separate system. Such is the testimony of France and England.

Similar testimony comes from other quarters: from Prussia, where five prisons on this system have been built; from Denmark, where ten are now building; from Sweden, where eight are building under the auspices of the monarch, who, when Prince Oscar, wrote ably in advocacy of the Separate system; from Norway, where one is now building in the neighborhood of Christiania; from Poland, where one has long been in existence, and three others are nearly completed; from

Hungary, where a project has been submitted to the Diet for the erection of ten on the Separate system; from Holland, where one is about to be erected on the plan of Pentonville; from Belgium, which has yielded to the Separate system, and has even engrafted it upon the famous *Maison de Force* at Ghent, the model of our Auburn Prison; from the Duchy of Nassau; from the Grand Duchy of Baden; from Frankfort-on-the-Main; from Hamburg; from Geneva, in Switzerland: in all of which prisons on this system are built or are building. From poor, distracted Spain proceeds the same testimony.

To this array of authorities and examples may be added two names of commanding weight in all matters of Prison Discipline, — Edward Livingston and Miss Dix. The first, whose high fortune it was to refine jurisprudence by his philanthropy, as he had illumined it by his genius and strengthened it by his learning, in his Introductory Report to the Code of Prison Discipline, as long ago as 1827, urged with classical eloquence a system of "seclusion, accompanied by moral, religious, and scientific instruction, and useful manual labor." Miss Dix, after attentive survey of different systems throughout our country, fervently enforces, as well in the publication now before us as in her Memorials, the merits of the Separate system, and of its administration in Pennsylvania.

It might be said that the voices of civilized nations, by a rare harmony, concurred in sanctioning the Separate system, if the Boston Prison Discipline Society had not raised a persistent note of discord, which has gone on with a most unmusical *crescendo*. As the solitary champion of an imperfect system which the world is

renouncing, it has contended with earnestness, which has often become prejudice, and with insensibility to accumulating facts, which was injustice. With frankness, as with sorrow, we allude to the sinister influence it has exercised over this question, particularly throughout the Northern States. But the truth which has been proclaimed abroad need not be delicately minced at home. We do not join with the recent English writer, who, among many harsher suggestions, speaks of the "misrepresentation," the "trickery," the "imposture"[1] of the Society or its agent, — nor with Moreau-Christophe, who says, "*La Société des Prisons à Boston a juré haine à mort au système de Philadelphie*";[2] for we know well the honesty and sincere interest in the welfare of prisoners which animate its Secretary, and we feel persuaded that he will gladly abandon the deadly war which he wages against the Separate system, when he sees it as it is now regarded by the science and humanity of the civilized world. But we feel that his exertions, which in some departments of Prison Discipline have been productive of incalculable good, for which his memory will be blessed, on this important question have done harm. In his Reports he has never failed to present all the evil of the Separate system, particularly as administered in Philadelphia, sometimes even drawing upon his imagination for facts, while he has carefully withheld the testimony in its favor. This beneficent system and its meritorious supporters are held up to obloquy, and the wide circle that confided implicitly in his Reports are consigned to darkness with regard to its true character and its general reception abroad.

[1] Adshead, pp. 127, 129. [2] Revue Pénitentiaire, Tom. II. p. 589.

One of the most strenuous advocates of the Separate system at the present moment, whose work of elaborate argument and detail now lies before us, is Suringar, called sometimes the Howard of Holland, who had signalized himself by previous opposition to it. He says, "I am now completely emancipated from my former error. This error I do not blush to confess openly. The same change has been wrought in the opinions of Julius in Prussia, of Crawford in England, of Bérenger and Demetz in France, and of all men of good faith, who are moved, in their researches, only by the suggestions of conscience, unswayed by prejudice or pride of opinion." Perhaps in these changes of opinion the Secretary of the Boston Prison Discipline Society may find an example which he will not be unwilling to follow; and it may be for us to welcome him as a cordial fellow-laborer in the conscientious support of what he has for a long period most conscientiously attacked.

From this rapid survey it will be seen that our convictions and sympathies are with the Separate system. Nothing in Prison Discipline seems clearer than the general duty of removing prisoners from the corrupting influence of association, even though silent. But we are not insensible to the encouragement and succor which prisoners might derive from companionship with those struggling like themselves. It was a wise remark of the English Professor, that "students are the best professors to each other"; and the experience of Mrs. Farnham, the matron of the female convicts at Sing-Sing, shows that this same principle is not without its effect even among classes of convicts. Perhaps the Separate system might be modified, so as to admit instruction and labor together, in a small class, selected after a

probationary period of separation, as specially worthy of this indulgence and confidence. Such a modification was contemplated and recommended by Mr. Livingston, and would seem to find favor with Von Raumer in his recent work on America. This privilege can be imparted to those only who have shown themselves so exemplary that their society seems to be uncontaminating. But it remains to be seen whether there is any subtile alchemy by which their purity may be determined, so as to justify a departure from the general rule of separation.

Finally, we would commend this subject to the attention of all. In the language of Sir Michael Foster, a judge of eminence in the last century, "No rank or condition of life, no uprightness of heart, no prudence or circumspection of conduct, should teach any man to conclude that he may not one day be deeply interested in these researches." There are considerations of self-interest which may move those who do not incline to labor for others, unless with ultimate advantage to themselves. But all of true benevolence, and justly appreciating the duties of the State, will join in effort for the poor prisoner, deriving from his inferior condition new motives to action, that it may be true of the State, as of law, that the very least feels its care, as the greatest is not exempt from its power. In the progress of an enlightened Prison Discipline, it may be hoped that our penitentiaries will become in reality, if not in name, Houses of Reformation, and that convicts will be treated with scrupulous regard for their well-being, physical, moral, and intellectual, to the end, that, when they are allowed to mingle again with society, they may feel sympathy with virtue and detestation of vice, and, when wiser, may be better men.

In the promotion of this cause, the city of Boston at this moment occupies a position of signal advantage. It has determined to erect a new county jail, and the plans are still under consideration. It is easy to perceive that the plan it adopts and the system of discipline it recognizes will become an example. No narrow prejudice and no unworthy economy should prevent the example from being such as becomes a city of the wealth, refinement, and humanity of Boston. It is a common boast, that her schools and various institutions of beneficence are the best in the world. The prison about to be erected should share this boast. *Let it be the best in the world.* Let it be the model prison, not only to our own country, but to other countries. The rule of separation, considered of such importance among the ripe convicts of the penitentiary, is of greater necessity still in a prison which will receive before trial both innocent and guilty. From the first moment he is touched by the hand of the law, the prisoner should be cut off from all association, by word or sight, with fellow-prisoners. The State, as his temporary guardian, mindful of his weakness, owes him this protection and this means of reformation.

The *absolute separation* of prisoners, so that they can neither see, hear, nor touch each other, is the pole-star of Prison Discipline. It is the Alpha, or beginning, as the reformation of the offender is the Omega, or the end. It is this principle, when properly administered, which irradiates with heavenly light even the darkness of the dungeon, driving far away the intrusive legion of unclean thoughts, and introducing in their vacant place the purity of religion, the teachings of virtue, the solace of society, and the comfort of hope. In this spirit let

us build our prisons. The jail will no longer be a charnel-house of living men; the cell will cease to be the tomb where is buried what is more precious than the body, — a human soul. From their iron gates let us erase that doom of despair,

"All hope abandon, ye who enter in,"

and inscribe words of gentleness, encouragement, love.

THE EMPLOYMENT OF TIME.

Lecture before the Boston Lyceum, delivered in the Federal Street Theatre, February 18, 1846.

"I HAVE lost a day," was the exclamation of the virtuous Roman Emperor, — "for on this day I have done no good thing." The Arch of Titus still stands midway between the Forum and the Colosseum, and the curious traveller discerns the golden candlesticks of conquered Judæa sculptured on its marble sides; but this monument of triumph, and the memory it perpetuates of the veteran legions of Rome and the twenty cohorts of allies before whose swords the sacred city yielded its life in terrible fire and blood, give not to the conqueror such true glory as springs from these words, — destined to endure long after the arch has crumbled to dust, and when the triumph it seeks to perpetuate has passed from the minds of men. That day was not lost. On no day wast thou so great or beneficent as when thou gavest this eternal lesson to man. Across the ages it still reaches innumerable hearts, even as it penetrated the friendly bosoms that throbbed beneath its first utterance. The child learns it, and receives a new impulse to labor and goodness. There are few, whether old or young, who do not recognize it as more than a victory.

If I undertake to dwell on the suggestions of this theme, it is because it seems to me especially appropriate to the young, at whose request I have the honor of appearing before you. My subject is the Value of Time, and the way in which it may be best employed. I shall attempt nothing elaborate, but simply gather together illustrations and examples, which, though trite and familiar, will at least be practical.

The value of time is one of our earliest lessons, taught at the mother's knee, even with the alphabet, — "*S* is a sluggard," — confirmed by the maxims of Poor Richard, printed at the end of almanacs, and stamped on handkerchiefs, — further enforced by the examples of the copy-book, as the young fingers first learn to join words together by the magical art of writing. Fable comes in aid of precept, and the venerable figure of Time is depicted to the receptive, almost believing, imagination of childhood, as winged, and also bald on the top and back of the head, with a single tuft of hair on the forehead, signifying that whoso would detain it must seize it by the forelock. With such lessons and pictures the child is trained. Moralist, preacher, and poet also enforce these teachings; and the improvement of time, the importance of industry, and the excellence of labor become commonplaces of exhortation.

The value of time has passed into a proverb, — "Time is money." It is so because its employment brings money. But it is more. It is knowledge. Still more, it is virtue. Nor is it creditable to the character of the world that the proverb has taken this material and mercenary complexion, as if money were the highest

good and the strongest recommendation. Time is more than money. It brings what money cannot purchase. It has in its lap all the learning of the Past, the spoils of Antiquity, the priceless treasures of knowledge. Who would barter these for gold or silver? But knowledge is a means only, and not an end. It is valuable because it promotes the welfare, the development, and the progress of man. And the highest value of time is not even in knowledge, but in the opportunity of doing good.

Time is opportunity. Little or much, it may be the occasion of usefulness. It is the point desired by the philosopher where to plant the lever that shall move the world. It is the napkin in which are wrapped, not only the talent of silver, but the treasures of knowledge and the fruits of virtue. Saving time, we save all these. Employing time to the best advantage, we exercise a true thrift. Here is a wise parsimony; here is a sacred avarice. To each of us the passing day is of the same dimensions, nor can any one by taking thought add a moment to its hours. But though unable to extend their duration, he may swell them with works.

It is customary to say, "Take care of the small sums, and the large will take care of themselves." With equal wisdom and more necessity may it be said, "Watch the minutes, and the hours and days will be safe." The moments are precious; they are gold filings, to be carefully preserved and melted into the rich ingot.

Time is the measure of life on earth. Its enjoyment is life itself. Its divisions, its days, its hours, its minutes, are fractions of this heavenly gift. Every moment that flies over our heads takes from the future and gives to the irrevocable past, shortening by so much the measure

of our days, abridging by so much the means of usefulness committed to our hands. Before the voice which now addresses you shall die away in the air, another hour will have passed, and we shall all have advanced by another stage towards the final goal on earth. Waste or sacrifice of time is, then, waste or sacrifice of life itself: it is partial suicide.

The moments lost in listlessness or squandered in unprofitable dissipation, gathered into aggregates, are hours, days, weeks, months, years. The daily sacrifice of a single hour during a year comes at its end to thirty-six working days, allowing ten hours to the day, — an amount of time, if devoted exclusively to one object, ample for the acquisition of important knowledge, and for the accomplishment of inconceivable good. Imagine, if you please, a solid month dedicated, without interruption, to a single purpose, — to the study of a new language, an untried science, an unexplored field of history, a fresh department of philosophy, or to some new sphere of action, some labor of humanity, some godlike charity, — and what visions must not rise of untold accumulations of knowledge, of unnumbered deeds of goodness! Who of us does not each day, in manifold ways, sacrifice these precious moments, these golden hours?

There is a legend of Mohammed which teaches how much may be crowded into a moment. It is said that he was suddenly taken up by an angel, and borne beyond the flaming bounds of space, where he beheld the wonders of Heaven and Hell, the bliss of the faithful and the torments of the damned in measureless variety, and was then returned to the spot of earth from which he had been lifted, — all in so short a time that the water had not entirely run out of the pitcher which

he let fall from his hands when he was borne upwards. But actual life furnishes illustrations of greater point. It is related of a celebrated French jurist, one of the ornaments of the magistracy, that he composed a learned and important work in the quarter hours that draggled between dinner ordered and dinner served. Napoleon directed one of his generals to move on a battery of the enemy, although reinforcements were in sight, saying, "It will take them fifteen minutes to reach the point; I have always observed that these *fifteen minutes* decide great battles." In the currents of common life they are often as decisive as in the heady fight.

It would be easy, from literary and political history, from the lives of all who have excelled in any way, to accumulate illustrations of the power of industry. Among those who have achieved what the world calls greatness, the list might be extended from Julius Cæsar to Napoleon, whose feats of labor are among the marvels of history. Nor should we forget Alfred, the father of English civilization, whose better fame testifies also to the wise employment of time. Our own country, this very town, furnishes a renowned example in Benjamin Franklin. Here I pronounce a name which has its own familiar echoes. His early studies, when a printer's boy, — his singular experience of life in its extremes, — sounding in childhood all the humilities, as in maturer years he reached all that was exalted in place, — the truant boy become a teacher to the nations, and pouring light upon the highest schools of science and philosophy, touching the throne with hands once blackened by types and ink, — all this must be present to you. His first and constant talisman was indus-

try. The autobiography in which he has recorded his progress in knowledge is a remarkable composition, where the style flows like a brook of transparent water, without a ripple on its smooth surface. Perhaps no single book has had greater influence in quickening labor and the rigid economy of time, overcoming all obstacles, among those whose early life has been chilled by penury or darkened by neglect. But we must qualify our praise. It cannot fail to be regretted that the lessons taught by Franklin are so little spiritual in their character, — that they are so material, so mundane, so full of pounds, shillings, and pence. "The Almighty Dollar," now ruling here with sovereign sway and masterdom, was placed on the throne by Poor Richard. When shall it be dethroned? When shall the thoughts, the aspirations, the politics of the land be lifted from the mere greed of gain, with an appetite that grows by what it feeds on, into the serene region of inflexible justice and universal benevolence? Could we imagine the thrift, the worldly wisdom, the practical sense, the inventive genius of Franklin, softened, exalted, illumined, inspired by the imagination, the grace, the sensibility, the heavenly spirit of Channing, we should behold a character under whose influence our country would advance at once in all spiritual as well as material prosperity, — where money should not be the "main chance," but truth, justice, righteousness, drawing in their train all the goods of earth, and reflecting all the blessings of heaven. Then would time be the best ally of man, and no day would pass without some good thing done.

Among the contemporaries of Franklin in England, unlike in the patrician circumstances of his birth, edu-

cation, and life, most unlike in his topics of thought and study, but resembling him in the diligence and constancy of labor marking his career, was Edward Gibbon, author of the History of the Decline and Fall of the Roman Empire. He also has left behind an autobiography, — in style and tone how unlike the simple narrative of Franklin! — where in living colors are depicted the labors and delights of a scholar's life. This book has always seemed to me, more than any other in the English language, calculated to enkindle the love of learning, and to train the student for its pursuit. Here he will find an example and guide in the various fields of scholarship, who will challenge his admiration in proportion as he shares the same generous aspiration. The autobiographies of Gibbon and Franklin are complements of each other. They teach the same lesson of labor and study in different spheres of life and to different classes of minds. Both have rare excellence as compositions, and constitute important contributions to that literature which illustrates the employment of time.

There is another character, of our own age, whose example is, perhaps, more direct and practical, especially as described by himself: I mean William Cobbett. To appreciate this example, you must know something of his long life, from early and inauspicious youth to venerable years, filled always with labors various, incessant, and Herculean, under which his elastic nature seemed to rise with renewed strength. He died in 1835, supposed to be seventy-three years of age, although the exact date of his birth was never known, and such was the position he had acquired that he was characterized at that time, even by hostile pens, as one of the most re-

markable men whom England, fertile in intellectual excellence, ever produced. The lapse of little more than ten years has begun to obscure his memory. It will be for posterity to determine whether he has connected his name with those great causes of human improvement which send their influence to future ages, and are destined to be the only consideration on which fame hereafter will be awarded or preserved. But the memory of his labors, and the voice of encouragement to the poor and lowly which sounds throughout his writings, must always be refreshing to those whose hopes of future usefulness are clouded by discouragement and poverty. There can be none so humble as not to derive succor from his example. He was conscious even to vanity of his own large powers, and at the close of his long career surveyed his succession of labors — the hundred volumes from his sleepless pen, and the wide influence they had exercised — with the self-gratulation of the miser in counting his stores of gold and silver.

The son of a poor farmer, at the age of twenty he ran away from the paternal acres, and became for a short time copying-clerk to a lawyer, but, tiring soon of these duties, he enlisted in the army and found himself private in a regiment at Chatham, which was ordered to America. His merit soon raised him to the rank of corporal, and then of sergeant-major. At this time he saw his future wife and the mother of his children. The circumstances of this meeting, as described by himself in his own peculiar style, belong to this picture, while they illustrate the subject. "When I first saw my wife," he writes, "she was thirteen years old, and I was within a month of twenty-one. She was the daughter of a sergeant-major of artillery, and I was the sergeant-

major of a regiment of foot, both stationed in forts near the city of St. John, in the province of New Brunswick. I sat in the same room with her for about an hour, in company with others, and I made up my mind that she was the very girl for me. That I thought her beautiful is certain, for that I had always said should be an indispensable qualification; but I saw in her what I deemed marks of that sobriety of conduct of which I have said so much, and which has been by far the greatest blessing of my life. It was now dead of winter, and of course the snow several feet deep on the ground, and the weather piercing cold. It was my habit, when I had done my morning's writing, to go out at break of day to take a walk on a hill at the foot of which our barracks lay. In about three mornings after I had first seen her, I had, by an invitation to breakfast with me, got up two young men to join me in my walk, and our road lay by the house of her father and mother. It was hardly light, but she was out on the snow, scrubbing out a washing-tub. 'That's the girl for me!' said I, when we had got out of her hearing."[1] To her he plighted faith. After eight years of service in the army, and his return to England, he obtained his discharge and married her.

In 1792 Cobbett came to the United States, living in Philadelphia, where he was bookseller, publisher, author, and libeller by profession. As "Peter Porcupine" he is well known. He shot his sharp and malicious quills at the most estimable characters, — Franklin, Jefferson, Gallatin, Priestley, and even the sacred name of Washington. A heavy judgment for libel hanging suspended over him, he fled from America, and from the justice he had aroused, to commence in England a

[1] Life, pp. 44, 45.

fresh career of unquestioned talents, unaccountable inconsistency, and inexhaustible malignity.

On his arrival in England Cobbett attached himself warmly to the interests of Mr. Pitt, in whose behalf he wielded for a while his untiring pen. At the same time he commenced business as bookseller, in which he soon failed. In politics he showed himself more Tory than the most Tory. Mr. Windham, in the House of Commons, made the remarkable declaration, that "he merited a statue of gold."[1] His Letters on the Treaty of Amiens produced a sensation throughout Europe.[2] The celebrated Swiss historian, Von Müller, pronounced them more eloquent than anything since Demosthenes. How transitory is fame! These Letters, once so much admired, which, with profane force, helped to burst open the Temple of Janus, happily closed by peace, are now forgotten. I do not know that they are to be found in any library in this part of the country.

It was at this period that he commenced his "Weekly Political Register," which for more than thirty years was the vehicle of his opinions and feelings. But the pungent Toryism with which he began his career was changed into a more pungent Liberalism; from the oil of Conservatism he passed to the vinegar of Dissent. He saw all things in a new light, and with unsparing criticism pursued the men he had recently extolled. His Ishmael pen was turned against every man. He wrote with the hardihood of a pirate and the ardor of a patriot. At length he was convicted of libel, and sentenced to pay a fine of a thousand pounds and to be

[1] Speech, August 5, 1803: Hansard, XXXVI. 1679.

[2] Letters to the Right Honorable Lord Hawkesbury and to the Right Honorable Henry Addington, on the Peace with Buonaparté; to which is added an Appendix. London, 1802.

imprisoned for two years. This severe incarceration he never forgave or forgot. With thoughts of vengeance he emerged from his prison to unaccustomed popularity. His "Register," into which, as into a seething caldron, he weekly poured the venom of his pen, reached the unprecedented circulation of one hundred thousand, an audience greater than was ever before addressed by saint or sinner. The soul swells in the contemplation of the good that might have been wrought by a spirit elevated to the high purpose, having access to so many human hearts. His pen waxing in inveteracy, and himself becoming daily more obnoxious to the Government, in 1817, by timely flight, he withdrew from the threatening storm, and sought shelter in the United States, where he lingered, principally on Long Island, till 1819, when he wandered back to England, there to renew his strifes and ruffle again the waters of political controversy. As late as 1831, he was, for the eighth time in his life, brought into court on a charge of libel. The veteran libeller, then seventy years of age, defended himself in a speech which occupied six hours. The jury did not agree, — six being for conviction and six for acquittal.

At the general election for the Reform Parliament in 1832, Cobbett was chosen member for the borough of Oldham, which seat he held until June 18, 1835, when his long, active, and disturbed career was closed by death, leaving her whom he had loved at the wash-tub, amid the snows of New Brunswick, his honored widow.

His character was unique. He was the most emphatic of writers, perhaps the most voluminous. He was foremost in the crew of haters; he was the paragon

of turncoats. Sentiments uttered at one period were denied at another. At one time he wrote of Paine as follows: "He has done all the mischief he can in the world, and whether his carcass is at last to be suffered to rot on the earth or to be dried in the air is of very little consequence. Whenever or wherever he breathes his last, he will excite neither sorrow nor compassion; no friendly hand will close his eyes."[1] Later in life, on his second visit to America, he exhumed the bones of the man he had thus reviled, and bore them in idolatrous custody to the land of his birth.

Besides his multitudinous political writings, which in number remind us of the cloud of "locusts warping on the eastern wind," he produced several works of great and deserved popularity, — a Grammar of the French Language, written while he rocked the cradle of his first child, — a Grammar of the English Language, — a little volume, "Advice to Young Men," — and a series of sketches entitled "Rural Rides," in which he gave unmixed pleasure to friend and foe.

I have dwelt thus long upon the life and character of Cobbett, as a proper introduction to the picture of his marvellous industry, which I am able to present in his own language. The labor which he accomplished testifies; but in his writings he often refers to it with peculiar pride. He tells us how he learned grammar. Writing a fair hand, he was employed as copyist by the commandant of the garrison where he first enlisted. In his autobiography he says: "Being totally ignorant of the rules of grammar, I necessarily made many mistakes. The

[1] Life of Thomas Paine: Political Censor, No. V., Sept., 1796: Porcupine's Works, Vol. IV. pp. 112, 113.

Colonel saw my deficiency, and strongly recommended study. I procured me a Lowth's Grammar, and applied myself to the study of it with unceasing assiduity. The pains I took cannot be described. I wrote the whole Grammar out two or three times; I got it by heart; I repeated it every morning and every evening; and when on guard, I imposed on myself the task of saying it all over once, every time I was posted sentinel." [1] Would that all posted as sentinels were as well employed as saying over to themselves the English grammar! If every common soldier could do this, there would be little fear of war. The evil spirits were supposed to be driven away by an Ave Maria or a word of prayer. The grammar would be as potent. "Terrible as an army with grammars" would be more than "Terrible as an army with banners."

In his "Advice to Young Men" Cobbett says: "For my part, I can truly say that I owe more of my great labors to my strict adherence to the precepts that I have here given you than to all the natural abilities with which I have been endowed; for these, whatever may have been their amount, would have been of comparatively little use, even aided by great sobriety and abstinence, if I had not in early life contracted the blessed habit of husbanding well my time. To this, more than to any other thing, I owed my very extraordinary promotion in the army. I was *always ready*. If I had to mount guard at ten, I was ready at nine; never did any man or any thing wait one moment for me. . . . . My custom was this: to get up in summer at daylight, and in winter at four o'clock; shave, dress, even to the putting of my sword-belt over my shoulder, and having my sword ly-

[1] Life, p. 38.

ing on the table before me, ready to hang by my side. Then I ate a bit of cheese or pork and bread. Then I prepared my report, which was filled up as fast as the companies brought me in the materials. After this I had an hour or two to read before the time came for any duty out of doors." [1]

At a later period of life, when his condition was entirely changed, and his name as a writer was in all men's mouths, he thus describes his habits. "I hardly ever eat more than twice a day, — when at home, never, — and I never, if I can well avoid it, eat any meat later than one or two o'clock in the day. I drink a little tea or milk-and-water at the usual tea-time (about seven o'clock). I go to bed at eight, if I can. I write or read from about four to about eight, and then, hungry as a hunter, I go to breakfast." [2]

In another place he recounts with especial satisfaction a conversation at which he was present, one of the parties to which was Sir John Sinclair, the famous agriculturist and correspondent of Washington. "I once heard Sir John Sinclair," he says, "ask Mr. Cochrane Johnstone whether he meant to have a son of his, then a little boy, taught Latin. 'No,' said Mr. Johnstone, 'but I mean to do something a great deal better for him.' 'What is that?' said Sir John. 'Why,' said the other, 'teach him to shave with cold water and without a glass.'" [3]

With this pertinacious devotion to labor, and this unparalleled sense of the value of time, Cobbett surrendered himself to the blandishments of domestic life. The hundred-armed giant of the press, he always had an

[1] Advice to Young Men, pp. 35, 36.
[2] Life, p. 137.
[3] Advice to Young Men, p. 34.

arm for his child. "For my own part," he says, "how many days, how many months, all put together, have I spent with babies in my arms! My time, when at home, and when babies were going on, was chiefly divided between the pen and the baby. I have fed them and put them to sleep hundreds of times, though there were servants to whom the task might have been transferred. Yet I have not been effeminate; I have not been idle; I have not been a waster of time." "Many a score of papers have I written amidst the noise of children, and in my whole life never bade them be still. When they grew up to be big enough to gallop about the house, I have, in wet weather, when they could not go out, written the whole day amidst noise that would have made some authors half mad. It never annoyed me at all."[1]

These passages are like windows in his life, through which we discern his character, where the domestic affections seem to vie with the sense of time.

No person can become familiar with the career of Cobbett without recognizing regular habits of industry as the potent means of producing important results. Did the hour permit, it would be pleasant and instructive to review the career of another distinguished character, whose writings have added much to the happiness of his age, and whose rare feats of labor illustrate the same truth: I mean the author of "Waverley." There are points of comparison or contrast between Cobbett and Scott which might be presented at length. They were strictly contemporaries, spanning with their lives almost the same long tract of time. They were the most voluminous authors of their age, perhaps the most volumi-

[1] Advice to Young Men, pp. 142, 194.

nous couple of any age. Since the days of Ariosto no writers had been read by so many persons as was the fortune of each. The marvellous fecundity of Scott was more than matched by the prolific energy of Cobbett. The fame of the Scotsman was equalled by the notoriety of the Englishman. If one awakened our delight, we could not withhold from the other our astonishment. With Scott life was a gala and a festival, with beauty, wit, and bravery. With Cobbett it was a stern reality, perpetually crying out, like the witch in Macbeth, "I'll do, I'll do, and I'll do." And yet Scott was hardly less careful of time than his indefatigable contemporary. His life is a lesson of industry, and the student may derive instruction from his example. Both sought in early rising the propitious hours of labor; but the morning brought its rich incense to the one, and its vigor to the other. They departed this life within a short period of each other, casting and leaving behind their voluminous folds of authorship. The future historian will note and study these; but the world, which has already dismissed Cobbett from its presence, will hardly cherish with enduring affection the writings of Scott. He lived in the Past, and, with ill-directed genius, sought to gild the force, the injustice, the inhumanity of the early ages. Cobbett lived intensely in the Present, and drew his inspiration from its short-lived controversies. For neither had Hope scattered from her "pictured urn" the delights of an unborn period, when the dignity of Humanity shall stand confessed. A greater fame than is awarded to either will be his who hereafter, with the imagination of the one and the energy of the other, without the spirit of Hate that animated Cobbett, without the spirit of Caste that

prevailed in Scott, regarding life neither as a festival nor as a battle, forgetting Cavalier and Roundhead alike, and remembering only Universal Man, shall dedicate the labors of a long life, not to the Past, not to the Present only, but also to the Future, striving to bring its blessings nearer to all.

Such are some of the examples by which we learn the constant lesson of the value of time. For them genius did much, but industry went hand in hand with this celestial guide.

Here the student may ask by what rule time is to be arranged and apportioned so as to accomplish the greatest results. If we interrogate the lives of our masters in this regard, we shall find no uniform rule as to the employment of the day, or even the hours of repose. The great lawyer, Lord Coke, whose rare learning and professional fame cannot render us insensible to his brutality of character, has preserved for the benefit of the young student some Latin verses setting forth the proper division of the day, allowing six hours for sleep, six for the law, four for prayers, two for meals, while all the rest, being six hours more, is to be lavished on the sacred muses.[1] These directions are imperfectly reproduced in two English rhymes : —

> Six hours in sleep; in law's grave study six ;
> Four spend in prayer ; the rest on Nature fix."

A more estimable character than Lord Coke, in whose life clustered literary as well as professional honors, Sir William Jones, himself a model of the industry he inculcated, has said in a well-known distich : —

[1] " Sex horas somno, totidem des legibus æquis,
Quatuor orabis, des epulisque duas;
Quod superest ultro sacris largire camœnis."
Co. Litt. 64.

"Six hours to law, to soothing slumber seven,
Ten to the world allot, and all to Heaven."

The one hour here unappropriated is absorbed in the "all to Heaven." Sir Matthew Hale, another eminent name in jurisprudence, studied sixteen hours a day for the first two years after he commenced the law, but almost brought himself to the grave thereby, though of a strong constitution, and he afterwards came down to eight hours; but he would not advise anybody to so much, — believing that six hours a day, with constancy and attention, were sufficient, and adding, that "a man must use his body as he would his horse and his stomach, not tire him at once, but rise with an appetite." [1] Here is at once example and warning.

Sleep is the most exacting of masters; it must be obeyed. Couriers slumber on their horses; soldiers drop asleep on the field of battle, even amidst the din of war. In that famous retreat of Sir John Moore, English soldiers are said to have slept while still moving. Ambition and the pride of victory yield to sleep. Alexander slept on the field of Arbela, and Napoleon on the field of Austerlitz. Bereavement and approaching death are forgotten in sleep. The convict sleeps in the few hours before his execution. According to Homer, sleep overcomes even the gods, excepting Jupiter alone. Its beneficence is equal to its power; nor has this ever been pictured more wonderfully than in those agonized words of Macbeth, where he says, —

"Macbeth does murther sleep, the innocent sleep, —
Sleep, that knits up the ravelled sleave of care,
The death of each day's life, sore labor's bath,
Balm of hurt minds, great Nature's second course,
Chief nourisher in life's feast."

[1] Roscoe, Lives of Eminent British Lawyers: Notes, pp. 413, 414.

The rule of sleep is not the same for all. There are some with whom its requirements are gentle: a few hours will suffice. But such cases are exceptional. The Jesuits have done much for education, but on this question they seem to have failed. In settling the system for their college at Clermont, they followed their physicians in a rigid rule. The latter reported that five hours were sufficient, six abundant, and seven as much as a youthful constitution could bear without injury. On the other hand, Cobbett, whose experience of life was as thorough as his diligence, says expressly: "Young people require more sleep than those that are grown up: there must be the number of hours, and that number cannot well be on an average less than eight; and if it be more in winter-time, it is all the better." [1] George the Third thought otherwise, at least for men. A tradesman, whom he had asked to call on him at eight o'clock in the morning, arriving behind the hour, the King said, "Oh! the great Mr. B.! What sleep do you take, Mr. B.?" "Why, please your Majesty, I am a man of regular habits; I usually take eight hours." "Eight hours!" said the King; "that's too much, too much. Six hours' sleep is enough for a man, seven for a woman, and eight for a fool, — Mr. B., eight for a fool." The opinions of physiologists would probably incline with Mr. B., the tradesman, contrary to this royal authority.

It is impossible to lay down any universal rule with regard to the proper portion of time for sleep. Each constitution of body has its own habits; nor can any rule be drawn from the lives of the most industrious, except of economy of time, according to the capacity of

[1] Advice to Young Men, p. 33.

each person. The great German scholar Heyne, who has shed such lustre on classical learning, in the order of his early studies allowed himself, for six months, only two nights' sleep in a week. The eccentric Robert Hill, of England, who passed his life as a tailor, but by persevering labor made rare attainments in Latin, Greek, and Hebrew, was accustomed to sit up very late into the night, or else to rise by two or three o'clock in the morning, that he might find time for reading without prejudice to his trade, and although of a weakly constitution, he accustomed himself to do very well with only two or three hours of sleep in the twenty-four, and he lived to be seventy-eight. But this is a curiosity rather than an example. Such also is the story of the Roman Emperor Caligula, who slept only three hours. In the list of men sleeping only four hours is Frederick of Prussia, John Hunter, the surgeon, Napoleon, and Alexander von Humboldt. That gallant cavalier and accomplished historian, renowned for genius and misfortune, Sir Walter Raleigh, was accustomed, even under the pressure of his arduous career, to devote four hours daily to reading and study, while he allowed only five for sleep. Probably all of us, in our own personal experience, have known men of study and labor who, in the ardor of their pursuit, have foregone what is thought the ordinary sleep, being late to bed and early to rise, reducing the night to a narrow isthmus of time. Others there are with a vivacity of industry which acts with intensity and rapidity, requiring long periods of repose. I cannot forget that Judge Story, the person who has accomplished more than any one within the circle of my individual observation, whose life — now, alas! closed by death — was thickly studded with various la-

bors as judge, professor, and author, is a high example of what may be wrought by wakeful diligence, without denying the body any refreshment of repose. His habit, during the years of his greatest intellectual activity, was to retire always at ten o'clock and to rise at seven, — allowing nine hours for sleep. The tradesman of George the Third might have sought shelter with him from the royal raillery.

Pursuing these inquiries as to the arrangement of the day, we find the precept, if not the example, uniform with regard to early rising as propitious to health and intellectual exertion. The old saw, "Early to bed and early to rise," imprints the lesson upon the mind of childhood. The magnificent period of Milton sounds in our ears: "My morning haunts are where they should be, at home,—not sleeping, or concocting the surfeits of an irregular feast, but up and stirring,— in winter often ere the sound of any bell awake men to labor or to devotion,—in summer as oft with the bird that first rouses, or not much tardier, to read good authors or cause them to be read, till the attention be weary or memory have its full fraught,—then with useful and generous labors preserving the body's health and hardiness, to render lightsome, clear, and not lumpish obedience to the mind, to the cause of religion, and our country's liberty."[1] Sir Walter Scott is less stately in his tribute to the morning, but he agrees with Milton: "The half-hour between waking and rising has all my life proved propitious to any task which was exercising my invention. When I got over any knotty difficulty in a story, or have had in former times to fill up a passage in a poem, it was always when I first opened my eyes that the desired ideas thronged

[1] Apology for Smectymnuus: Prose Works, Vol. I. p. 220.

upon me. This is so much the case, that I am in the habit of relying upon it, and saying to myself, when I am at a loss, 'Never mind, we shall have it at seven o'clock to-morrow morning.' If I have forgot a circumstance, or a name, or a copy of verses, it is the same thing."[1] In this equal dedication to the morning Milton and Scott are alike, but how unlike in all else! Milton's testimony is like an anthem; Scott's like an affidavit.

Notwithstanding these great examples and the prevailing precept, it may be doubted if the student can be weaned from those habits which lead him to continue his vigils far into the watches of the night. From time immemorial he has been said to "consume the midnight oil," and productions marked by peculiar care are proverbially reputed to "smell of the lamp," never to breathe the odor of the morning. An ingenious inquirer might be inclined to trace in different writers, particularly in poets, the distinctive influence of the hours they devoted to labor, and, perhaps, to find in Milton and Scott the freshness and vivid colors of the rosy-fingered dawn, and in Schiller and Byron the sombre shade and sickly glare of the lamp. Whatever the result of such speculations, which might be moralized by example, the midnight lamp will ever be regarded as the symbol of labor. In the wonders it has wrought it yields only to the far-famed lamp of Aladdin. They who confess themselves among "the slaves of the lamp" say that there is an excitement in study, increasing as the work proceeds, which flames forth with new brightness at the close of the day and in the stillness of those hours when the world is wrapped in sleep and the student is the sole watcher. The heavy clock seems to toll the

[1] Diary: Lockhart's Life of Scott, Chap. VII. Vol. VI. p. 227.

midnight hour in the church-belfry for him alone, and, as he catches its distant vibrations, he thinks that he hears the iron hoof of Time come sounding by. All interruptions are ended, and he is in closer companionship with his books and studies. He holds converse face to face with the spirits of the mighty dead, while the learned page and glowing verse become vocal with inspiring thought. The poet speaks to him with richer melodies, and the soul responds in new and more generous resolves.

It is not for me on this occasion to interpose any judgment on a question which comes within the precincts of physiology. My present purpose is accomplished, if I teach the husbandry of time. To this end I have adduced authority and example. But there are other considerations which enforce the lesson with persuasive power.

In the employment of time will be found the sure means of happiness. The laborer living by the sweat of his brow, and the youth toiling in perplexities of business or study, sighs for repose, and repines at the law which ordains the seeming hardship of his lot. He seeks happiness as the end and aim of life, but he does not open his mind to the important truth that occupation is indispensable to happiness. He shuns work, but he does not know the precious jewel hidden beneath its rude attire. Others there are who wander over half the globe in pursuit of what is found under the humblest roof of virtuous industry, in the shadow of every tree planted by one's own hand. The poet has said, —

"The best and sweetest far are toil-created gains."

But this does not disclose the whole truth. There is

in useful labor its own exceeding great reward, without regard to gain.

The happiness found in occupation is the frequent theme of the moralist, but nobody has illustrated it with more power than Luther in his Table-Talk, where he presents an image of the human mind which has always seemed to me one of the most striking in the whole range of literature. Let me give it in the strong and fibrous diction of the ancient translation from the original Latin.

"The heart of an humane creature is like a mill-stone in a mill: when corn is shaked thereupon, it runneth about, rubbeth and grindeth it to meal; but if no corn bee present (the stone nevertheless running still about), then it rubbeth and grindeth it self thinner, and becometh less and smaller: even so the heart of an humane creature will bee occupied; if it hath not the works of its vocation in hand to bee busied therein, then cometh the Divel and shooteth thereinto tribulations, heavie cogitations and vexations, as then the heart consumeth it self with melancholie, insomuch that it must starv and famish."[1] That it may not starve and famish, it must be supplied with something to do; and its happiness will be in proportion to the completeness with which all its faculties are brought into activity.

It is according to God's Providence that there should be pleasure in the exercise of all the powers with which we are blessed. There is pleasure in seeing the sights and catching the sounds of Nature. There is pleasure in the exercise of the limbs, even in extending an arm

[1] Dr. Martin Luther's Divine Discourses at his Table, etc., translated out of the High Germane into the English Tongue by Capt. Henrie Bell, London, 1652: Chap. XXXVII., *Of Tribulation and Temptation*, p. 397.

or moving a muscle. Higher degrees of pleasure are allotted to the exercise of the higher faculties. There is pleasure in the acquisition of knowledge, — pleasure in the performance of duty, — pleasure in all the labors by which we promote our own progress, — pleasure higher still in those by which we promote the progress of others.

If this be so, — and surely it will not be doubted, — then is it our duty to regulate our habits so as to cultivate all the faculties, to the end that Time shall yield its choicest fruits. When I speak of all the faculties, I mean all those which enter into and form the character created in the image of God, not merely those which minister to the selfish ends of life. There are faculties for business; there are others which open to us the avenues of knowledge, — others which connect us by chains soft as silk, but strong as iron, to the social and domestic circle, — others still which reveal to us, in vistas of infinite variety and inconceivable extension, our duties to God and man. Nor can any one reasonably persuade himself that he has done his whole duty, and employed his time to the best purpose, who has neglected any of these, although he may have sacrificed much to the others. Success in business will not compensate for neglect of general culture; nor will attendance on "the stated preaching of the gospel" atone for a want of interest in the great charities of life, in the education of the people, in the sufferings of the poor, in the sorrows of the slave.

There is a tendency to absorption by one pursuit or one idea, against which we must especially guard. The mere man of business is "a man of one idea," [1] and his

[1] At the date of this Lecture the Abolitionist was constantly taunted, especially by business men, as "the man of one idea."

solitary idea has its root in no generous or humane desires, but in selfishness. He lives for himself alone. He may send his freights to the most distant quarters of the earth, and receive therefrom returning argosies, but his real horizon is restricted to the narrow circle of his own personal interests ; nor does his worldly nature, elated by the profits of cent per cent, see with eye of sympathy, in cotton sold or sugar bought, the drops of blood falling from the unhappy slaves out of whose labor they were wrung. In the mere man of business the individual is lost in the profession or calling, thinking only of that, and caring little for other things of life. He is known by the character that business impresses upon him. He is untiring in its pursuit, but with no true progress, for each day renews its predecessor. Benevolence calls, but he is deaf, or satisfies his conscience by a dole of money. Literature exhibits her charms, but he is insensible. And innocent recreation makes her pleasant appeal, but he will not listen. He is absorbed, engrossed, filled in every vein by the "one idea" of business with new methods of adding to his increasing gains, as the mouth of the money-seeking Crassus was filled by the Parthians with molten gold.

We learn to deride the pedant who sacrifices everything to the accumulation of empty learning, which he displays at all times, as a peddler his wares. The image of Dominie Sampson, in Scott's novel of "Guy Mannering," is a happy scarecrow to frighten us from his "one idea." But the merchant whose only talk is of markets, the farmer whose only talk is of bullocks, and the lawyer whose only talk is of his cases, are all Dominie Sampsons in their way. They have all missed that completeness and harmony of development essential to

the balance of the faculties and to the best usefulness. They have become richer in this world's goods; but they have sacrificed what money cannot supply, — a general intelligence, an independence of calling or position, and a catholic, liberal spirit. In the prejudices engendered by exclusive devotion to a single pursuit, they have lost one of the most important attributes of man, — the power to receive and appreciate truth.

It is a common saying, handed down with reverence in my own profession, where it is attested at once by Bacon and by Coke, that "every man owes a debt to his profession." If by this is meant that every man should seek to elevate his profession, and to increase its usefulness, the saying is a truism, although valuable as at least one remove from individual selfishness. But is it not too often construed so as to exclude exertion in any other walk, or to serve as a cloak for indifference to other things? Important as this debt may be, — and I will not disparage it, — not for this alone are we sent into the world. There are other debts which must not be postponed. Man was not thus fearfully and wonderfully made, — the cunningest pattern of excelling Nature, — endowed with infinite faculties, — traversing with the angels the blue floor of Heaven, — ranging with light from system to system of the Universe, — descending to the earth and receiving in bountiful largess all its hoarded treasures, — girdling the globe with the peaceful embrace of commerce, — imposing chains even upon the lawless sea, — making the winds and elements do his bidding, — summoning to his company all that is and all that has been the good and great of all times, exemplars of truth, liberty, and virtue, all the grand procession of history, — formed to throb at

every deed of generosity and self-sacrifice, and to send forth his sympathies wider and sweeter than any south-wind blowing over beds of violets, until they reach the most distant sufferer, — formed for the acquisition of knowledge and of science, — gifted to enjoy the various feast of letters and art, the breathing canvas and marble, the infinite many-choired voices of all the sons of genius who have written or spoken, the beauty of mountain, field, and river, the dazzling drapery of the winter snow, the glory of sunset, the blushing of the rose, — man was not made with all these capacities, looking before and after, spanning the vast outstretched Past, penetrating the vaster unfathomable Future, with all its images of beauty, merely to follow a profession or a trade, merely to be a merchant, a lawyer, a mechanic, a soldier.

"So God created man in his own image; in the image of God created he him." The image of God is in the soul, and the young must take heed that it is not effaced by the neglect of any of the trusts they have received. They must bear in mind that there are debts other than to their profession or business, which, like gratitude, it will ever be their pleasure, "still paying, still to owe," — which can be properly discharged only by the best employment of all the faculties with which they are blessed, — so that life shall be improved by culture and filled with works for the good of man.

In no respect would I weaken any just attachment to the business of one's choice. Goethe advised every one to read daily a short poem; and in the same spirit would I refine and elevate business by the chastening influence of other pursuits, by enlarging the intelligence, by widening the sphere of observation and interest, by awakening new sympathies.

In the faithful husbandry of time, in the aggregation of all its particles of golden sand, is the first stage of individual progress. With the living spirit of industry, the student will find his way easy. Difficulties cannot permanently obstruct his resolute career. He will remember "rare Ben Jonson," one of England's admired and most learned bards, working as a bricklayer with a trowel in his hand and a book in his pocket, — Burns, wooing his muse as he followed the plough on the mountain-side, — the beloved German Jean Paul, composing his earliest works by the music of the simmering kettles in his mother's humble kitchen, — and Franklin, while a printer's boy, straitened by small means, beginning those studies and labors which make him an example to mankind.

Seek, then, occupation; seek labor; seek to employ all the faculties, whether in study or conduct, — not in words only, but in deeds also, mindful that "words are the daughters of Earth, but deeds are the sons of Heaven." So shall you eat of that fabled fruit growing on the banks of the river of Delight, whereby men gain a blessed course of life without one moment of sadness. So shall your days be filled with usefulness, —

> "And when old Time shall lead you to your end,
> Goodness and you fill up one monument."

There is a legend of Friar Roger Bacon, so conspicuous in what may be called the mythology of modern science, which enforces the importance of seizing the present moment; nor could I hope to close this appeal with anything better calculated to impress upon all the lesson I have sought to teach. With wizard skill he had succeeded in constructing a brazen head, which, by unimaginable contrivance, after unknown lapse of time,

was to speak and declare important knowledge. Weary with watching for the auspicious moment, which had been prolonged through successive weeks, he had sought the refreshment of sleep, leaving his man Miles to observe the head, and to awaken him at once, if it should speak, that he might not fail to interrogate it. Shortly after he had sunk to rest, the head spake these words, *Time is.* But the foolish guardian heeded them not, nor the commands of his master, whom he allowed to slumber unconscious of the auspicious moment. Another half-hour passed and the head spake the words, *Time was,* which Miles still heeded not. Another half-hour passed, and the head spake yet other words, *Time is past,* and straightway fell to the earth, shivered in pieces, with a terrible crash and strange flashes of fire, so that Miles was half dead with fear; and his master awoke to behold the workmanship of his cunning hand and the hopes he had builded thereupon shattered, while the voice from the brazen throat still sounded in his ears, TIME IS PAST!

BIOGRAPHICAL SKETCH OF THE LATE JOHN PICKERING.

Article in the Law Reporter of June, 1846.

IT was a remark of Lord Brougham, illustrated by his own crowded life, that the complete performance of all the duties of an active member of the British Parliament might be joined to a full practice at the bar. The career of the late Mr. Pickering illustrates a more grateful truth: that the mastery of the law as a science and the constant performance of all the duties of a practitioner are not incompatible with the studies of the most various scholarship, — that the lawyer and the scholar may be *one*. He dignified the law by the successful cultivation of letters, and strengthened the influence of these elegant pursuits by becoming their representative in the concerns of daily life and in the labors of his profession. And now that this living example of excellence is withdrawn, we feel a sorrow which words can only faintly express. We would devote a few moments to the contemplation of what he did and what he was. The language of exaggeration is forbidden by the modesty of his nature, as it is rendered unnecessary by the multitude of his virtues.

John Pickering, whose recent death we deplore, was born in Salem, February 7, 1777, at the darkest and

most despondent period of the Revolution. His father, Colonel Pickering, was a man of distinguished character and an eminent actor in public affairs, whose name belongs to the history of our country. Of his large family of ten children John was the eldest.[1] His diligence at school was a source of early gratification to his family, and gave augury of future accomplishments. An authentic token of this character, beyond any tradition of partial friends, is afforded by a little book entitled "Letters to a Student in the University of Cambridge, Massachusetts, by John Clarke, Minister of a Church in Boston," printed in 1796, and in reality addressed to him. The first letter begins with an honorable allusion to his early improvement. "Your superior qualifications for admission into the University give you singular advantages for the prosecution of your studies. . . . . You are now placed in a situation to become, what you have often assured me is your ambition, *a youth of learning and virtue.*" The last letter of the volume concludes with benedictions, which did not fall as barren words upon the heart of the youthful pupil. "May you," says Dr. Clarke, "be one of those sons who do honor to their literary parent. The union of *virtue* and *science* will give you distinction at the present age, and will tend to give celebrity to the name of Harvard. You will not disappoint the friends who anticipate your improvements." They who remember his college days still dwell with fondness upon his exemplary character and his remarkable scholarship. He received his degree of Bachelor of Arts at Cambridge in 1796.

[1] The reporter, Octavius Pickering, was so named from his being the *eighth* child.

On leaving the University he went to Philadelphia, at that time the seat of government, his father being Secretary of State. Here he commenced the study of the law under Mr. Tilghman, afterwards the distinguished Chief Justice of Pennsylvania, and one of the lights of American jurisprudence. But his professional lucubrations were soon suspended by his appointment, in 1797, as Secretary of Legation to Portugal. In this capacity he resided at Lisbon for two years, during which time he became familiar with the language and literature of the country. Later in life, when his extensive knowledge of foreign tongues opened to him the literature of the world, he recurred with peculiar pleasure to the language of Camoens and Pombal.

From Lisbon he passed to London, where, at the close of the last century, he became, for about two years, the private secretary of our Minister, Mr. King, residing in the family and enjoying the society and friendship of this distinguished representative of his country. Here he was happy in meeting with his classmate and attached friend, Dr. James Jackson, of Boston, then in London, pursuing those medical studies whose ripened autumnal fruits of usefulness and eminence he still lives to enjoy. In pleasant companionship they perambulated the thoroughfares of the great metropolis, enjoying together its shows and attractions; in pleasant companionship they continued ever afterwards, till death severed the ties of long life.

Mr. Pickering's youth and inexperience in the profession to which he afterwards devoted his days prevented his taking any special interest, at this period, in the courts or in Parliament. But there were several of the judges who made a strong impression on his mind;

nor did he ever cease to remember the vivacious eloquence of Erskine or the commanding oratory of Pitt.

Meanwhile, his father, being no longer in the public service, had returned to Salem; and thither the son followed, in 1801, resuming the study of the law, under the direction of Mr. Putnam, afterwards a learned and beloved Judge of the Supreme Court of Massachusetts, whose rare fortune it has been to rear two pupils whose fame will be among the choicest possessions of our country, — Story and Pickering. In due time he was admitted to the bar, and commenced the practice of the law in Salem.

Here begins the long, unbroken series of his labors in literature and philology, running side by side with the daily, untiring business of his profession. It is easy to believe, that, notwithstanding his undissembled predilection for jurisprudence as a *science*, he was drawn towards its *practice* by the compulsion of duty rather than by any attraction it possessed for him. Not removed by fortune from the necessity, to which Dr. Johnson so pathetically alludes, of providing for the day that was passing over him, he could indulge his taste for study only in hours secured by diligence from the inroads of business or refused to the seductions of pleasure. Since the oration for Archias, perhaps no lawyer ever lived who could have uttered with greater truth the inspiring words with which, in that remarkable production, the Roman orator confessed and vindicated the cultivation of letters: "Me autem quid pudeat, qui tot annos ita vivo, judices, ut ab nullius unquam me tempore aut commodo aut otium meum abstraxerit, aut voluptas avocârit, aut denique somnus retardârit? Quare quis tandem me reprehendat, aut quis mihi jure succenseat, si,

quantum cæteris ad suas res obeundas, quantum ad festos dies ludorum celebrandos, quantum ad alias voluptates, et ad ipsam requiem animi et corporis conceditur temporum, quantum alii tribuunt tempestivis conviviis, quantum denique aleæ, quantum pilæ, tantum mihi egomet ad hæc studia recolenda sumpsero?"[1]

In his life may be seen two streams flowing side by side, as through a long tract of country: one fed by the fresh fountains high up in the mountain-tops, whose waters leap with delight on their journey to the sea; while the other, having its sources low down in the valleys, among the haunts of men, moves with reluctant, though steady, current onward.

Mr Pickering's days were passed in the performance of all the duties of a wide and various practice, first at Salem, and afterwards at Boston. He resided at the former place till 1827, when he removed to the metropolis, where two years afterwards he became City Solicitor, an office whose arduous labors he continued to discharge until within a few months of his death. There is little worthy of notice in the ordinary incidents of professional life. What Blackstone aptly calls "the pert dispute" renews itself in infinitely varying form. Some new turn of litigation calls forth some new effort of learning or skill, calculated to serve its temporary purpose, and, like the manna which fell in the desert, perishing on the day that beholds it. The unambitious labors of which the world knows nothing, the advice to clients, the drawing of contracts, the perplexities of conveyancing furnish still less of interest than ephemeral displays of the court-room.

The cares of his profession and the cultivation of let-

[1] Pro Archia, c. 6.

ters left but little time for the concerns of politics. And yet, at different periods, he filled offices in the Legislature of Massachusetts. He was three times Representative from Salem, twice Senator from Essex, once Senator from Suffolk, and once a member of the Executive Council. In all these places he commended himself by the same diligence, honesty, learning, and ability which marked his course at the bar. The careful student of our legislative history will not fail to perceive his obligations to Mr. Pickering, as the author of important reports and bills. The first bill for the separation of Maine from Massachusetts was reported to the Senate by him in 1816, and though the object failed for the time with the people of Maine, the bill is characterized by the historian of that State as "drawn with great ability and skill." [1] The report and accompanying bill on the jurisdiction and proceedings of the Courts of Probate, discussing and remodelling the whole system, were from his hand.

In 1833 he was appointed to the vacancy, occasioned by the death of Professor Ashmun, in the commission for revising and arranging the statutes of Massachusetts, being associated in this important work with those eminent lawyers, Mr. Jackson and Mr. Stearns. The first part, or that entitled *Of the Internal Administration of the Government*, corresponding substantially with Blackstone's division *Of the Rights of Persons*, was executed by him. This alone entitles him to be gratefully remembered, not only by those having occasion to consult the legislation of Massachusetts, but by all who feel an interest in scientific jurisprudence.

His contributions to what may be called the litera-

[1] Williamson, History of Maine, Vol. II. p. 663.

ture of his profession were frequent. The American Jurist was often enriched by articles from his pen. Among these is a review of the valuable work of Williams on the Law of Executors, and of Curtis's Admiralty Digest, where he examined the interesting history of this jurisdiction; also an article on the Study of the Roman Law, where, within a short compass, he presented a lucid history of this system, and the growth in Germany of the historical and didactic schools, "rival houses," as they may be called, in jurisprudence, whose long and unpleasant feud has only recently subsided.

In the Law Reporter for September, 1841, he published an article of singular merit, on National Rights and State Rights, being a review of the case of Alexander McLeod, recently determined in the Supreme Court of New York. This was afterwards republished in a pamphlet, and extensively circulated. It is marked by uncommon learning, clearness, and power. The course of the courts of New York is handled with freedom, and the supremacy of the Government vindicated. Of all the discussions elicited by that interesting question, on which, for a while, seemed to hang the portentous issues of peace and war between the United States and Great Britain, that of Mr. Pickering will be admitted to take the lead, whether we consider its character as an elegant composition, or as a searching review of the juridical questions involved. In dealing with the opinion of Mr. Justice Cowen, renowned for black-letter and the bibliography of the law, he shows himself more than a match for this learned Judge, even in these unfrequented fields, while the spirit of the publicist and jurist gives a refined temper to the whole article, which we vainly seek in the other production.

In the North American Review for October, 1840, is an article by him, illustrative of Conveyancing in Ancient Egypt, being an explanation of an Egyptian deed of a piece of land in hundred-gated Thebes, written on papyrus, more than a century before the Christian era, with the impression of a seal or stamp attached, and a certificate of registry in the margin, in as regular a manner as the keeper of the registry in the County of Suffolk would certify to a deed of land in the City of Boston at this day. Jurisprudence is here adorned by scholarship.

There is another production which, like the preceding, belongs to the department of literature as well as of jurisprudence: his Lecture on the Alleged Uncertainty of the Law, delivered before the Boston Society for the Diffusion of Useful Knowledge. Though written originally for the general mind, which it is calculated to interest and instruct in no common degree, it will be read with equal advantage by the profound lawyer. It is not easy to mention any popular discussion of a juridical character, in our language, deserving of higher regard. It was first published in the American Jurist, at the solicitation of the writer of this sketch, who has never referred to it without fresh admiration of the happy illustrations and quiet reasoning by which it vindicates the science of the law.

In considering what Mr. Pickering accomplished out of his profession, we are led over wide and various fields of learning, where we can only hope to indicate his footprints, without presuming to examine or describe the ground.

One of his earliest cares was to elevate the character of classical studies in our country. In this respect his

own example did much. From the time he left the University, he was always regarded as an authority on topics of scholarship. But his labors were devoted especially to this cause. As early as 1805, in conjunction with his friend, the present Judge White, of Salem, he published an edition of the Histories of Sallust with Latin notes and a copious index. This is one of the first examples, in our country, of a classic edited with scholarly skill. The same spirit led him, later in life, to publish in the North American Review, and afterwards in a pamphlet, "Observations on the Importance of Greek Literature, and the Best Method of Studying the Classics," translated from the Latin of Professor Wyttenbach. In the course of the remarks with which he introduces the translation, he urges with conclusive force the importance of raising the standard of education in our country. "We are too apt," he says, "to consider ourselves as an insulated people, as not belonging to the great community of Europe; but we are, in truth, just as much members of it, by means of a common public law, commercial intercourse, literature, a kindred language and habits, as Englishmen or Frenchmen themselves are; and we must procure for ourselves the qualifications necessary to maintain that rank which we shall claim as equal members of such a community."

His Remarks on Greek Grammars, which appeared in the American Journal of Education in 1825, belongs to the same field of labor, as does also his admirable paper, published in 1818, in the Memoirs of the American Academy, on the Proper Pronunciation of the Ancient Greek Language.[1] He maintained that it should be pro-

[1] "Observations upon the Greek Accent" is the title of an essay in the Royal Irish Transactions, Vol. VII., by Dr. Browne, suggested, like Mr. Pick-

nounced, as far as possible, according to the Romaic or modern Greek, and learnedly exposed the vicious usage introduced by Erasmus. His conclusions, though controverted when first presented, are now substantially adopted by scholars. We well remember his honest pleasure in a communication received within a few years from President Moore, of Columbia College, in which that gentleman, who had once opposed his views, announced his change, and, with the candor that becomes his honorable scholarship, volunteered to them the sanction of his approbation.

The Greek and English Lexicon is his work of greatest labor in the department of classical learning. This alone would entitle him to praise from all who love liberal studies. With the well-thumbed copy of this book, used in college days, now before us, we feel how much we are debtor to his learned toil. Planned early in Mr. Pickering's life, it was begun in 1814. The interruptions of his profession induced him to engage the assistance of the late Dr. Daniel Oliver, Professor of Moral and Intellectual Philosophy at Dartmouth College. The work, proceeding slowly, was not announced by a prospectus until 1820, and not finally published until 1826. It was mainly founded on the well-known Lexicon of Schrevelius, which had received the emphatic commendation of Vicesimus Knox, and was generally regarded as preferable to any other for the use of schools. When Mr. Pickering commenced his labors there was no Greek Lexicon with definitions in our own tongue. The English student obtained his knowledge of Greek through

ering's, by conversation with some modern Greeks, and touching upon similar topics. Dr. Browne is the author of the learned and somewhat antediluvian book on the Civil and Admiralty Law.

the intervention of Latin. And it is supposed by many, who have not sufficiently regarded other relations of the subject, as we are inclined to believe, that this circuitous and awkward practice is a principal reason why Greek is so much less familiar to us than Latin. In honorable efforts to remove this difficulty our countryman took the lead. Shortly before the last sheets of his Lexicon were printed, a copy of a London translation of Schrevelius reached this country, which proved, however to be "a hurried performance, upon which it would not have been safe to rely." [1]

Since the publication of his Lexicon, several others in Greek and English have appeared in England. The example of Germany and the learning of her scholars have contributed to these works. It were to be wished that all of them were free from the imputation of an unhandsome appropriation of labors performed by others. The Lexicon of Dr. Dunbar, Professor of Greek in the University of Edinburgh, published in 1840, contains whole pages taken bodily — "convey, the wise it call" — from that of Mr. Pickering, while the Preface is content with an acknowledgment, in very general terms, of obligation to the work which is copied. This is bad enough. But the second edition, published in 1844, omits acknowledgment altogether; and the Lexicon is welcomed by an elaborate article in the Quarterly Review, [2] as the triumphant labor of Dr. Dunbar, "well known among our Northern classics as a clever man and an acute scholar. *In almost every page,*" continues the reviewer, "*we meet with something which bespeaks the pen of a scholar;* and we every now and then stumble on explanations of words and passages, occasionally fanciful,

[1] Preface to Pickering's Lexicon. [2] Vol. LXXV. p. 299.

but always sensible, and sometimes ingenious, which amply repay us for the search. . . . . *They prove, moreover, that the Professor is possessed of one quality which we could wish to see more general: he does not see with the eyes of others;* he thinks for himself, and he seems well qualified to do so." Did he not see with the eyes of others? The reviewer hardly supposed that his commendation would reach the production of an American lexicographer.

In the general department of Languages and Philology his labors were various. Some of the publications already mentioned might be ranged under this head. There are others which remain to be noticed. The earliest is the work generally called *The Vocabulary of Americanisms*, being a collection of words and phrases supposed to be peculiar to the United States, with an Essay on the State of the English Language in this country. This originally appeared in the Memoirs of the American Academy, in 1815, and republished in a separate volume, with corrections and additions, in 1816. It was the author's intention, had his life been spared, to print another edition, with the important gleanings of subsequent observation and study. Undoubtedly this work has exerted a beneficial influence upon the purity of our language. It has promoted careful habits of composition, and, in a certain degree, helped to guard the "well of English undefiled." Some of the words found in this Vocabulary may be traced to ancient sources of authority; but there are many which are beyond question provincial and barbarous, although much used in our common speech,—"*fœx quoque quotidiani sermonis, fœda ac pudenda vitia.*" [1]

[1] De Oratoribus Dialogus, c. 32, — sometimes attributed to Tacitus.

In the Memoirs of the American Academy for 1818 appeared his Essay on a Uniform Orthography for the Indian Languages of North America. The uncertainty of their orthography arose from the circumstance that the words were collected and reduced to writing by scholars of different nations, who often attached different values to the same letter, and represented the same sound by different letters; so that it was impossible to determine the sound of a written word, without first knowing through what alembic of speech it had passed. Thus the words of the same language or dialect, written by a German, a Frenchman, or an Englishman, would seem to belong to languages as widely different as those of these different people. With the hope of removing from the path of others the perplexities that had beset his own, Mr. Pickering recommended the adoption of a common orthography, which would enable foreigners to use our books without difficulty, and, on the other hand, make theirs easy for us. To this end, he devised an alphabet for the Indian languages, which contained the common letters of our alphabet, so far as practicable, a class of nasals, also of diphthongs, and, lastly, a number of compound characters, which it was supposed would be of more or less frequent use in different dialects. With regard to this Essay, Mr. Du Ponceau said, at an early day, "If, as there is great reason to expect, Mr. Pickering's orthography gets into general use among us, America will have had the honor of taking the lead in procuring an important auxiliary to philological science."[1]

[1] Notes on Eliot's Indian Grammar, Mass. Hist. Coll., Second Series, Vol. IX. p. xl. I cannot forbear adding, that in the correspondence of Leibnitz there is a proposition for a new alphabet of the Arabic, Æthiopic, Syriac, and similar languages, which may remind the reader of that of Mr. Pickering. Leibnitz, Opera (ed. Dutens), Vol. VI. p. 88.

Perhaps no single paper on language, since the legendary labors of Cadmus, has exercised a more important influence than this communication. Though originally composed with a view to the Indian languages of North America, it has been successfully followed by the missionaries in the Polynesian Islands. In harmony with the principles of this Essay, the unwritten dialect of the Sandwich Islands, possessing, it is said, a more than Italian softness, was reduced to writing according to a systematic orthography prepared by Mr. Pickering, and is now employed in two newspapers published by natives. Thus he may be regarded as one of the contributors to that civilization, under whose gentle influence those islands, set like richest gems in the bosom of the sea, will yet glow with the effulgence of Christian truth.

His early studies in this branch are attested by an article in the North American Review for June, 1819, on Du Ponceau's Report on the Languages of the American Indians, and another article in the same Review, for July, 1820, on Dr. Jarvis's Discourse on the Religion of the Indian Tribes of North America. The latter attracted the particular attention of William von Humboldt.

The Collections of the Massachusetts Historical Society contain several important communications from him on the Indian languages: in 1822 (Vol. IX. Second Series) an edition of the Indian Grammar of Eliot, the St. Augustin of New England, with Introductory Observations on the Massachusetts Language by the editor, and Notes by Mr. Du Ponceau, inscribed to his "learned friend, Mr. Pickering, as a just tribute of friendship and respect"; — in 1823 (Vol. X. Second Series) an edition of Jonathan Edwards's Observations on the Mohegan Language, with an Advertisement and Copious Notes

on the Indian Languages by the editor, and a Comparative Vocabulary of Various Dialects of the Lenape or Delaware Stock of North American Languages, together with a Specimen of the Winnebago Language ; — in 1830 (Vol. II. Third Series) an edition of Cotton's Vocabulary of the Massachusetts Language. He also prepared Roger Williams's Vocabulary of the Narragansett Indians for the Rhode Island Historical Society. These labors were calculated, in no ordinary degree, to promote a knowledge of our aboriginal idioms, and to shed light on that important and newly attempted branch of knowledge, the science of Comparative Language.

Among the Memoirs of the American Academy, published in 1833, (Vol. I. New Series) is the Dictionary of the Abnaki Language, in North America, by Father Sebastian Rasles, with an Introductory Memoir and Notes by Mr. Pickering. The original manuscript of this copious Dictionary, commenced by the good and indefatigable Jesuit in 1691, during his solitary residence with the Indians, was found among his papers after the massacre at Norridgewock, in which he was killed, and, passing through several hands, at last came into the possession of Harvard University. It is considered one of the most interesting and authentic documents in the history of the North American languages. In the Memoir accompanying the Dictionary, Mr. Pickering, with the modesty which marked all his labors, says that he made inquiries for memorials of these languages, "hoping that he might render some small service by collecting and preserving these valuable materials for the use of those persons whose leisure and ability would enable them to employ them more advantageously than it was in his power to do, for the benefit of philological science."

The elaborate article on the Indian Languages of America in the Encyclopædia Americana is from his pen. The subject was considered so interesting, in regard to general and comparative philology, while so little was known respecting it, that a space was allowed to this article beyond that of other philological articles in the Encyclopædia. The forthcoming volume of Memoirs of the American Academy contains an interesting paper of a kindred character, one of his latest productions, on the Language and Inhabitants of Lord North's Island, in the Indian Archipelago, with a Vocabulary.

The Address before the American Oriental Society, delivered and published in 1843, as the first number of the Journal of that body, is an admirable contribution to the history of languages, presenting a survey of the peculiar field of labor to which the Society is devoted, in a style which attracts alike the scholar and the less critical reader.

Among his other productions in philology may be mentioned an interesting article on the Chinese Language, which first appeared in the North American Review for January, 1839, and was afterwards *dishonestly reprinted, as an original article,* in the London Monthly Review for December, 1840; also an article on the Cochin-Chinese Language, published in the North American Review for April, 1841; another on Adelung's "Survey of Languages," in the same journal, in 1822; a review of Johnson's Dictionary, in the American Quarterly Review for September, 1828; and two articles in the New York Review for 1826, being a caustic examination of General Cass's article in the North American Review respecting the Indians of North America. These two pa-

pers were not acknowledged by their author at the time they were written. They purport to be by KASS-*ti-ga-tor-skee*, or *The Feathered Arrow*, a fictitious name from the Latin CAS-*tigator* and an Indian termination *skee* or *ski*.

Even this enumeration does not close the catalogue of Mr. Pickering's productions. There are others — to which, however, we refer by their titles only — that may be classed with contributions to *general literature*. Among these is an Oration delivered at Salem on the Fourth of July, 1804; an article in the Encyclopædia Americana, in 1829, on the Agrarian Laws of Rome; an article in the North American Review for April, 1829, on Elementary Instruction; an Introductory Essay to Newhall's Letters on Junius, in 1831; a Lecture on Telegraphic Language, before the Boston Marine Society, in 1833; an article on Peirce's History of Harvard University, in the North American Review for April, 1834; an article on the South Sea Islands, in the American Quarterly Review for September, 1836; an article on Prescott's History of the Reign of Ferdinand and Isabella, in the New York Review for April, 1838; the noble Eulogy on Dr. Bowditch, delivered before the American Academy, May 29, 1838; and Obituary Notices of Mr. Peirce, the Librarian of Harvard College, of Dr. Spurzheim, of Dr. Bowditch, and of his valued friend and correspondent, the partner of his philological labors, Mr. Du Ponceau; also an interesting Lecture, still unpublished, on the Origin of the Population of America, and two others on Languages.

The reader will be astonished at these various contributions to learning and literature, thus hastily reviewed,

particularly when he regards them as the diversions of a life filled in amplest measure by other pursuits. Charles Lamb said that his *real works* were not his published writings, but the ponderous folios copied by his hand in the India House. In the same spirit, Mr. Pickering might point to the multitudinous transactions of his long professional life, cases argued in court, conferences with clients, and deeds, contracts, and other papers, in that clear, legible autograph which is a fit emblem of his transparent character.

His professional life first invites attention. Here it should be observed that he was a thorough, hard-working lawyer, for the greater part of his days in *full practice*, constant at his office, attentive to all the concerns of business, and to what may be called the humilities of the profession. He was faithful, conscientious, and careful; nor did his zeal for the interests committed to his care ever betray him beyond the golden mean of duty. The law, in his hands, was a shield for defence, and never a sword to thrust at his adversary. His preparations for arguments in court were marked by peculiar care; his brief was elaborate. On questions of law he was learned and profound; but his manner in court was excelled by his matter. The experience of a long life never enabled him to overcome the native childlike diffidence which made him shrink from public display. He developed his views with clearness and an invariable regard to their logical sequence, — but he did not press them home by energy of manner, or any of the arts of eloquence.

His mind was rather judicial than forensic in cast. He was better able to discern the right than to make the wrong appear the better reason. He was not a legal

athlete, snuffing new vigor in the atmosphere of the bar, and regarding success alone, — but a faithful counsellor, solicitous for his client, and for justice too.

It was this character that led him to contemplate the law as a science, and to study its improvement and elevation. He could not look upon it merely as the means of earning money. He gave much of his time to its generous culture. From the walks of practice he ascended to the heights of jurisprudence, embracing within his observation the systems of other countries. His contributions to this department illustrate the turn and extent of his inquiries. It was his hope to accomplish some careful work on the law, more elaborate than the memorials he has left. The subject of the *Practice and Procedure of Courts*, or what is called by the civilians *Stylus Curiæ*, occupied his mind, and he intended to treat it in the light of foreign authorities, particularly German and French, with the view of determining the general principles, or natural law, common to all systems, by which it is governed. Such a work, executed with the fine juridical spirit in which it was conceived, would have been welcomed wherever the law is studied as a science.

It is, then, not only as lawyer, practising in courts, but as jurist, to whom the light of jurisprudence shone gladsome, that we are to esteem our departed friend. As such, his example will command attention and exert an influence long after the paper dockets in blue covers, chronicling the stages of litigation in his cases, are consigned to the oblivion of dark closets and cobwebbed pigeon-holes.

But he has left a place vacant, not only in the halls of jurisprudence, but also in the circle of scholars

throughout the world, and, it may be said, in the Pantheon of universal learning. Contemplating the variety, the universality of his attainments, the mind, borrowing an epithet once applied to another, involuntarily exclaims, "The admirable Pickering!" He seems, indeed, to have run the whole round of knowledge. His studies in ancient learning had been profound; nor can we sufficiently admire the facility with which, amidst other cares, he assumed the task of lexicographer. Unless some memorandum should be found among his papers, as was the case with Sir William Jones,[1] specifying the languages to which he had been devoted, it might be difficult to frame a list with entire accuracy. It is certain that he was familiar with at least *nine*, — English, French, Portuguese, Italian, Spanish, German, Romaic, Greek, and Latin, of which he spoke the first five. He was less familiar, though well acquainted, with Dutch, Swedish, Danish, and Hebrew, — and had explored, with various degrees of care, the Arabic, Turkish, Syriac, Persian, Coptic, Sanscrit, Chinese, Cochin-Chinese, Russian, Egyptian hieroglyphics, the Malay in several dialects, and particularly the Indian languages of America and the Polynesian Islands.

The sarcasm of Hudibras on the "barren ground" supposed congenial to "Hebrew roots" is refuted by the richness of his accomplishments. His style is that of a scholar and man of taste. It is simple, unpretend-

[1] Sir William Jones had studied eight languages critically. — English, Latin, French, Italian, Greek, Arabic, Persian, Sanscrit; eight less perfectly, but all intelligible with a dictionary, — Spanish, Portuguese, German, Runic, Hebrew, Bengali, Hindi, Turkish: twelve least perfectly, but all attainable, — Tibetian, Pâli, Phalavi, Deri, Russian, Syriac, Æthiopic, Coptic, Welsh, Swedish, Dutch, Chinese: in all twenty-eight languages. — TEIGNMOUTH, *Life of Jones*, p. 376, note.

ing like its author, clear, accurate, and flows in an even tenor of elegance, which rises at times to a suavity almost Xenophontian. Though little adorned by flowers of rhetoric, it shows the sensibility and refinement of an ear attuned to the harmonies of language. He had cultivated music as a science, and in his younger days performed on the flute with Grecian fondness. Some of the airs he had learned in Portugal were sung to him by his daughter shortly before his death, bringing with them, doubtless, the pleasant memories of early travel and the "incense-breathing morn" of life. A lover of music, he was naturally inclined to the other fine arts, but always had particular pleasure in works of sculpture.

Nor were those other studies which are sometimes regarded as of a more practical character foreign to his mind. In college days he was noticed for his attainments in mathematics; and later in life he perused with intelligent care the great work of his friend, Dr. Bowditch, the translation of the *Mécanique Celeste*. He was chairman of the committee which recommended the purchase of a first-class telescope for the neighborhood of Boston, and was the author of their interesting report on the use and importance of such an instrument. He was partial to natural history, particularly botany, which he taught to some of his family. In addition to all this, he possessed a natural aptitude for the mechanic arts, which was improved by observation and care. Early in life he learned to use the turning-lathe, and, as he declared in an unpublished lecture before the Mechanics' Institute of Boston, *made toys which he bartered among his schoolmates.*

This last circumstance gives singular point to the parallel, already striking in other respects, between him

and the Greek orator, the boast of whose various knowledge is preserved by Cicero: "Nihil esse ulla in arte rerum omnium, quod ipse nesciret: nec solum has artes, quibus liberales doctrinæ atque ingenuæ continerentur, geometriam, musicam, literarum cognitionem et poetarum, atque illa, quæ de naturis rerum, quæ de hominum moribus, quæ de rebuspublicis dicerentur; *sed annulum, quem haberet, se sua manu confecisse.*"[1] The Greek, besides knowing everything, made the ring which he wore, as our friend made toys.

As the champion of classical studies, and a student of language, or philologist, he is entitled to be specially remembered. It is impossible to measure the influence he has exerted upon the scholarship of the country. His writings and his example, from early youth, pleaded its cause, and will plead it ever, although his living voice is hushed in the grave. His genius for languages was profound. He saw, with intuitive perception, their structure and affinities, and delighted in the detection of their hidden resemblances and relations. To their history and character he devoted his attention, more than to their literature. It is not possible for this humble pen to determine the place which will be allotted to him in the science of philology; but the writer cannot forbear recording the authoritative testimony to the rare merits of Mr. Pickering in this department, which it was his fortune to hear from the lips of Alexander von Humboldt. With the brother, William von Humboldt, that great light of modern philology, he maintained a long correspondence, particularly on the Indian languages; and his letters will be found preserved in the Royal Library at Berlin. Without rashly undertaking to indicate any

[1] De Oratore, Lib. III. cap. 32.

scale of pre-eminence or precedence among the cultivators of this department, at home or abroad, it may not be improper to refer to his labors in those words of Dr. Johnson with regard to his own, as evidence "that we may no longer yield the palm of philology, without a contest, to the nations of the Continent." [1]

If it should be asked by what magic Mr. Pickering was able to accomplish these remarkable results, it must be answered, By the careful husbandry of time. His talisman was industry. He delighted in referring to those rude inhabitants of Tartary who placed idleness among the torments of the world to come, and often remembered the beautiful proverb in his Oriental studies, that by labor the leaf of the mulberry is turned into silk. His life is a perpetual commentary on those words of untranslatable beauty in the great Italian poet: —

"Seggendo in piuma,
In fama non si vien, nè sotto coltre:
Sanza la qual, chi sua vita consuma,
Cotal vestigio in terra di se lascia,
Qual fumo in aere od in acqua la schiuma." [2]

With a mind thus deeply imbued with learning, it will be felt that he was formed less for the contentions of the forum than for the exercises of the academy. And yet it is understood that he declined several opportunities of entering its learned retreats. In 1806 he was elected Hancock Professor of Hebrew and other Oriental Languages in Harvard University; and at a later day he was invited to the chair of Greek Literature in the same institution. On the death of Professor Ashmun, many eyes were turned towards him, as fitted to occupy the professorship of law in Cambridge, since so ably filled

[1] Preface to Dictionary.

[2] Divina Commedia, *Inferno*, Canto XXIV. vv. 47–51.

by Mr. Greenleaf; and on two different occasions his name was echoed by the public prints as about to receive the dignity of President of the University. But he continued in the practice of the law to the last.

He should be claimed by the bar with peculiar pride. If it be true, as has been said, that Serjeant Talfourd has reflected more honor upon his profession by the successful cultivation of letters than any of his contemporaries by their forensic triumphs, then should the American bar acknowledge their obligations to the fame of Mr. Pickering. He was one of us. He was a *regular* in our ranks; in other service, only a *volunteer*.

The mind is led instinctively to a parallel between him and that illustrious scholar and jurist, ornament of the English law, and pioneer of Oriental studies in England, Sir William Jones, to whom I have already referred. Both confessed, in early life, the attractions of classical studies; both were trained in the discipline of the law; both, though engaged in its practice, always delighted to contemplate it as a science; both surrendered themselves with irrepressible ardor to the study of languages, while the one broke into the unexplored fields of Eastern philology, and the other devoted himself more especially to the native tongues of his own Western continent. Their names are, perhaps, equally conspicuous for the number of languages which occupied their attention. As we approach them in private life, the parallel still continues. In both there were the same truth, generosity, and gentleness, a cluster of noble virtues, — while the intenser earnestness of the one is compensated by the greater modesty of the other. To our American jurist-scholar, also, may be applied those words of the Greek couplet, borrowed from Aris-

tophanes, and first appropriated to his English prototype: "The Graces, seeking a shrine that would not decay, found the soul of Jones."

While dwelling with admiration upon his triumphs of intellect and the fame he has won, we must not forget the virtues, higher than intellect or fame, by which his life was adorned. In the jurist and the scholar we must not lose sight of the *man*. So far as is allotted to a mortal, he was a spotless character. The murky tides of this world seemed to flow by without soiling his garments. He was pure in thought, word, and deed; a lover of truth, goodness, and humanity; the friend of the young, encouraging them in their studies, and aiding them by wise counsels; ever kind, considerate, and gentle to all; towards children, and the unfortunate, full of tenderness. He was of charming modesty. With learning to which all bowed with reverence, he walked humbly before God and man. His pleasures were simple. In the retirement of his study, and the blandishments of his music-loving family, he found rest from the fatigues of the bar. He never spoke in anger, nor did any hate find a seat in his bosom. His placid life was, like law in the definition of Aristotle, "mind without passion."

Through his long and industrious career he was blessed with unbroken health. He walked on earth with an unailing body and a serene mind; and at last, in the fulness of time, when the garner was overflowing with the harvests of a well-spent life, in the bosom of his family, the silver cord was gently loosed. He died at Boston, May 5, 1846, in the seventieth year of his age, — only a few days after he had prepared for the press the last sheets of a new and enlarged edition of his

Greek Lexicon. His wife, to whom he was married in 1805, and three children, survive to mourn their irreparable loss.

The number of societies, both at home and abroad, of which he was an honored member, attests the widespread recognition of his merits. He was President of the American Academy of Arts and Sciences; President of the American Oriental Society; Foreign Secretary of the American Antiquarian Society; Fellow of the Massachusetts Historical Society, the American Ethnological Society, the American Philosophical Society; Honorary Member of the Historical Societies of New Hampshire, Rhode Island, New York, Pennsylvania, Michigan, Maryland, and Georgia; Honorary Member of the National Institution for the Promotion of Science, the American Statistical Association, the Northern Academy of Arts and Sciences, Hanover, N. H., and the Society for the Promotion of Legal Knowledge, Philadelphia; Corresponding Member of the Academy of Sciences at Berlin, the Oriental Society of Paris, the Academy of Sciences and Letters at Palermo, the Antiquarian Society at Athens, and the Royal Northern Antiquarian Society at Copenhagen; and Titular Member of the French Society of Universal Statistics.

For many years he maintained a copious correspondence, on matters of jurisprudence, science, and learning, with distinguished names at home and abroad: especially with Mr. Du Ponceau, at Philadelphia, — with William von Humboldt, at Berlin, — with Mittermaier, the jurist, at Heidelberg, — with Dr. Prichard, author of the Physical History of Mankind, at Bristol, — and with Lepsius, the hierologist, who wrote to him from the foot of the Pyramids, in Egypt.

The death of one thus variously connected is no common sorrow. Beyond the immediate circle of family and friends, he will be mourned by the bar, among whom his daily life was passed, — by the municipality of Boston, whose legal adviser he was, — by clients, who depended upon his counsels, — by good citizens, who were charmed by the abounding virtues of his private life, — by his country, who will cherish his name more than gold or silver, — by the distant islands of the Pacific, who will bless his labors in the words they read, — finally, by the company of jurists and scholars throughout the world. His fame and his works will be fitly commemorated, on formal occasions, hereafter. Meanwhile, one who knew him at the bar and in private life, and who loves his memory, lays this early tribute upon his grave.

THE SCHOLAR, THE JURIST, THE ARTIST, THE PHILANTHROPIST.

An Oration before the Phi Beta Kappa Society of Harvard University, at their Anniversary, August 27, 1846.

Then I would say to the young disciple of Truth and Beauty, who would know how to satisfy the noble impulse of his heart, through every opposition of the century, — I would say, Give the world beneath your influence a *direction* towards the good, and the tranquil rhythm of time will bring its development. — Schiller.

In this Oration, as in that of the 4th of July, Mr. Sumner took advantage of the occasion to express himself freely, especially on the two great questions of Slavery and War. In the sensitive condition of public sentiment at that time, such an effort would have found small indulgence, if he had not placed himself behind four such names. While commemorating the dead, he was able to uphold living truth.

The acceptance of this Oration at the time is attested by the toast of John Quincy Adams at the dinner of the Society : —

"The memory of the Scholar, the Jurist, the Artist, the Philanthropist ; and not the memory, but the long life of the kindred spirit who has this day embalmed them all."

This was followed by a letter from Mr. Adams to Mr. Sumner, dated at Quincy, August 29, 1846, containing the following passage : —

"It is a gratification to me to have the opportunity to repeat the thanks which I so cordially gave you at the close of your oration of last Thursday, and of which the sentiment offered by me at the dinner-table was but an additional pulsation from the same heart. I trust I may now congratulate you on the felicity, first of your selection of your subject, and secondly of its consummation in the delivery. . . . . The pleasure with which I listened to your discourse was inspired far less by the success and *all but* universal acceptance and applause of the present moment than by the vista of the future which is opened to my view. Casting my eyes backward no farther than the 4th of July of last year, when you set all the vipers of Alecto a-hissing by proclaiming the Christian law of universal peace and love, and then casting them forward, perhaps not much farther, but beyond my own allotted time, I see you have a mission to perform. I look from Pisgah to the Promised Land; you must enter upon it. . . . . To the motto on my seal [*Alteri sæculo*] add *Delenda est servitus*."

Similar testimony was offered by Edward Everett in a letter dated at Cambridge, September 5, 1846, where he thanks Mr. Sumner for his "most magnificent address, — an effort certainly of unsurpassed felicity and power," — then in another letter dated at Cambridge, September 25th, where he writes: "I read it last evening with a renewal of the delight with which I heard it. Should you never do anything else, you have done enough for fame; but you are, as far as these public efforts are concerned, at the commencement of a career, destined, I trust, to last for long years, of ever-increasing usefulness and honor."

Mr. Prescott, under date of October 2d, writes: —

"The most happy conception has been carried out admirably, as if it

were the most natural order of things, without the least constraint or violence. I don't know which of your sketches I like the best. I am inclined to think the Judge; for there you are on your own heather, and it is the tribute of a favorite pupil to his well-loved master, gushing warm from the heart. Yet they are all managed well; and the vivid touches of character and the richness of the illustration will repay the study, I should imagine, of any one familiar with the particular science you discuss."

Chancellor Kent, of New York, under date of October 6th, expresses himself as follows: —

"I had the pleasnre to receive your Phi Beta Kappa Address, and I think it to be one of the most splendid productions in point of diction and eloquence that I have ever read. You brought a most fervent mind to the task, glowing with images of transcendent worth, and embellished with classical and literary allusions drawn from your memory and gulded by your taste, with extraordinary force. . . . . You have raised a noble monument to the four great men who have adorned your State, and I feel deeply humbled with a sense of my own miserable inferiority when I contemplate such exalted models."

These contemporary tokens of friendship and sympathy seem a proper part of this record.

ORATION.

TO-DAY is the festival of our fraternity, sacred to learning, to friendship, and to truth. From many places, remote and near, we have come together beneath the benediction of Alma Mater. We have walked in the grateful shelter of her rich embowering trees. Friend has met friend, classmate has pressed the hand of classmate, while the ruddy memories of youth and early study have risen upon the soul. And now we have come up to this church, a company of brothers, in long, well-ordered procession, commencing with the silver locks of reverend age, and closing with the fresh faces that glow with the golden blood of youth.

With hearts of gratitude, we greet among our number those whose lives are crowned by desert, — especially him who, returning from conspicuous cares in a foreign land, now graces our chief seat of learning,[1] — and not less him who, closing, in the high service of the University, a life-long career of probity and honor, now voluntarily withdraws to a scholar's repose.[2] We salute at once the successor and the predecessor, the rising and the set-

[1] Hon. Edward Everett, President of Harvard University.
[2] Hon. Josiah Quincy, late President of Harvard University.

ting sun. And ingenuous youth, in whose bosom are infolded the germs of untold excellence, whose ardent soul sees visions closed to others by the hand of Time, commands our reverence not less than age rich in experience and honor. The Present and the Past, with all their works, we know and measure; but the triumphs of the Future are unknown and immeasurable; — therefore is there in the yet untried powers of youth a vastness of promise to quicken the regard. Welcome, then, not less the young than the old! and may this our holiday brighten with harmony and joy!

As the eye wanders around our circle, Mr. President, in vain it seeks a beloved form, for many years so welcome in the seat you now fill. I might have looked to behold him on this occasion. But death, since we last met together, has borne him away. The love of friends, the devotion of pupils, the prayers of the nation, the concern of the world, could not shield him from the inexorable shaft. Borrowing for him those words of genius and friendship which gushed from Clarendon at the name of Falkland, that he was "a person of prodigious parts of learning and knowledge, of inimitable sweetness and delight in conversation, of flowing and obliging humanity and goodness to mankind, and of primitive simplicity and integrity of life,"[1] I need not add the name of STORY. To dwell on his character, and all that he has done, were a worthy theme. But his is not the only well-loved countenance which returns no answering smile.

This year our Society, according to custom, publishes the catalogue of its members, marking by a star the insatiate archery of Death during the brief space of four

[1] History of the Rebellion, Book VII.

years. In no period of its history, equally short, have such shining marks been found.

> "Now kindred Merit fills the sable bier,
> Now lacerated Friendship claims a tear;
> Year chases year, decay pursues decay,
> Still drops some joy from withering life away." [1]

Scholarship, Jurisprudence, Art, Humanity, each is called to mourn a chosen champion. Pickering the Scholar, Story the Jurist, Allston the Artist, Channing the Philanthropist, are gone. When our last catalogue was published they were all living, each in his field of fame. Our catalogue of this year gathers them with the peaceful dead. Sweet and exalted companionship! They were joined in life, in renown, and in death. They were brethren of our fraternity, sons of Alma Mater. Story and Channing were classmates; Pickering preceded them by two years only, Allston followed them by two years. Casting our eyes upon the closing lustre of the last century, we discern this brilliant group whose mortal light is now obscured. After the toils of his long life, Pickering sleeps serenely in the place of his birth, near the honored dust of his father. Channing, Story, and Allston have been laid to rest in Cambridge, where they first tasted together the tree of life: Allston in the adjoining church-yard, within sound of the voice that now addresses you; Channing and Story in the pleasant, grassy bed of Mount Auburn, under the shadow of beautiful trees, whose falling autumnal leaves are fit emblem of the generations of men.

It was the custom in ancient Rome, on solemn occasions, to bring forward the images of departed friends, arrayed in robes of office, and carefully adorned, while

[1] Johnson, Vanity of Human Wishes, vv. 303–306.

some one recounted what they had done, in the hope of refreshing the memory of their deeds, and of inspiring the living with new impulse to virtue. "For who," says the ancient historian, "can behold without emotion the forms of so many illustrious men, thus living, as it were, and breathing together in his presence? or what spectacle can be conceived more great and striking?"[1] The images of our departed brothers are present here to-day, not in sculptured marble, but graven on our hearts. We behold them again, as in life. They mingle in our festival, and cheer us by their presence. It were well to catch the opportunity of observing together their well-known lineaments, and of dwelling anew, with warmth of living affection, upon the virtues by which they are commended. Devoting the hour to their memory, we may seek also to comprehend and reverence the great interests which they lived to promote. Pickering, Story, Allston, Channing! Their names alone, without addition, awaken a response, which, like the far-famed echo of Dodona, will prolong itself through the livelong day. But, great as they are, we feel their insignificance by the side of those great causes to which their days were consecrated, — *Knowledge*, *Justice*, *Beauty*, *Love*, the comprehensive attributes of God. Illustrious on earth, they were but lowly and mortal ministers of lofty and immortal truth. It is, then, THE SCHOLAR, THE JURIST, THE ARTIST, THE PHILANTHROPIST, whom we celebrate to-day, and whose pursuits will be the theme of my discourse.

Here, on this threshold, let me say, what is implied in the very statement of my subject, that, in offering these tributes, I seek no occasion for personal eulogy or

[1] Hampton's Polybius, Book VI. Ext. II. ch. 2.

biographical detail. My aim is to commemorate the men, but more to advance the objects which they so successfully served. Reversing the order in which they left us, I shall take the last first.

JOHN PICKERING, THE SCHOLAR, died in the month of May, 1846, aged sixty-nine, within a short distance of that extreme goal which is the allotted limit of human life. By Scholar I mean a cultivator of liberal studies, a student of knowledge in its largest sense, — not merely classical, not excluding what in our day is exclusively called science, but which was unknown when the title of scholar first prevailed; for though Cicero dealt a sarcasm at Archimedes, he spoke with higher truth when he beautifully recognized the common bond between all departments of knowledge. The brother whom we mourn was a scholar, a student, as long as he lived. His place was not merely among those called by courtesy *Educated Men*, with most of whom education is past and gone, — men who have studied; he studied always. Life to him was an unbroken lesson, pleasant with the charm of knowledge and the consciousness of improvement.

The world knows and reveres his learning; they only who partook somewhat of his daily life fully know the modesty of his character. His knowledge was such that he seemed to be ignorant of nothing, while, in the perfection of his humility, he might seem to know nothing. By learning conspicuous before the world, his native diffidence withdrew him from its personal observation. Surely, learning so great, which claimed so little, will not be forgotten. The modesty which detained him in retirement during life introduces him now that he is

dead. Strange reward! Merit which shrank from the living gaze is now observed of all men. The voice once so soft is returned in echoes from the tomb.

I place in the front his modesty and his learning, two attributes by which he will be always remembered. I might enlarge on his sweetness of temper, his simplicity of life, his kindness to the young, his sympathy with studies of all kinds, his sensibility to beauty, his conscientious character, his passionless mind. Could he speak to us of himself, he might adopt words of self-painting from the candid pen of his eminent predecessor in the cultivation of Grecian literature, leader of its revival in Europe, as Pickering was leader in America, — the urbane and learned Erasmus. "For my own part," says the early scholar to his English friend, John Colet, "I best know my own failings, and therefore shall presume to give a character of myself. You have in me a man of little or no fortune, — a stranger to ambition, — of a strong propensity to loving-kindness and friendship, — without any boast of learning, but a great admirer of it, — one who has a profound veneration for any excellence in others, however he may feel the want of it in himself, — who can readily yield to others in learning, but to none in integrity, — a man sincere, open, and free, — a hater of falsehood and dissimulation, — of a mind lowly and upright, — of few words, and who boasts of nothing but an honest heart." [1]

I have called him Scholar; for it is in this character that he leaves so excellent an example. But the triumphs of his life are enhanced by the variety of his labors, and especially by his long career at the bar. He was a lawyer, whose days were spent in the faithful

[1] Erasmi Epist., Lib. V. Ep. 4.

practice of his profession, busy with clients, careful of their concerns in court and out of court. Each day witnessed his untiring exertion in scenes little attractive to his gentle and studious nature. He was formed to be a seeker of truth rather than a defender of wrong; and he found less satisfaction in the strifes of the bar than in the conversation of books. To him litigation was a sorry feast, and a well-filled docket of cases not unlike the curious and now untasted dish of "nettles," in the first course of a Roman banquet. He knew that the duties of the profession were important, but felt that even their successful performance, when unattended by juridical culture, gave small title to regard, while they were less pleasant and ennobling than the disinterested pursuit of learning. He would have said, at least as regards his own profession, with the Lord Archon of the *Oceana*, "I will stand no more to the judgment of lawyers and divines than to that of *so many other tradesmen*." [1]

It was the law as a *trade* that he pursued reluctantly, while he had true happiness in the science of jurisprudence, to which he devoted many hours rescued from other cares. By example, and contributions of the pen, he elevated the study, and invested it with the charm of liberal pursuits. By marvellous assiduity he was able to lead two lives, — one producing the fruits of earth, the other of immortality. In him was the union, rare as it is grateful, of lawyer and scholar. He has taught how much may be done for jurisprudence and learning even amidst the toils of professional life; while the enduring lustre of his name contrasts with the fugitive reputation which is the lot of the *mere lawyer*, although clients beat at his gates from cock-crow at the dawn.

[1] Harrington's Oceana, p. 134.

To describe his labors of scholarship would be impossible on this occasion. Although important contributions to the sum of knowledge, they were of a character only slightly appreciated by the world at large. They were chiefly directed to two subjects, — classical studies and general philology, if these two may be regarded separately.

His early life was marked by a particular interest in *classical studies.* At a time when, in our country, accurate and extensive scholarship was rare, he aspired to possess it. By daily and nightly toil he mastered the great exemplars of antiquity, and found delight in their beauties. His example was persuasive. And he added earnest effort to promote their study in the learned seminaries of our country. With unanswerable force he urged among us a standard of education commensurate, in every substantial respect, with that of Europe. He desired for the American youth on his native soil, under the influence of free institutions, a course of instruction rendering foreign aid superfluous. He had a just pride of country, and longed for its good name through accomplished representatives, well knowing that the American scholar, wherever he wanders in foreign lands, is a living recommendation of the institutions under which he was reared.

He knew that scholarship of all kinds would gild the life of its possessor, enlarge the resources of the bar, enrich the voice of the pulpit, and strengthen the learning of medicine. He knew that it would afford a soothing companionship in hours of relaxation from labor, in periods of sadness, and in the evening of life; that, when once embraced, it was more constant than friendship, — attending its votary, as an invisible spirit, in the

toils of the day, the watches of the night, the changes of travel, and the alternations of fortune or health.

In commending classical studies it would be difficult to say that he attached to them undue importance. By his own example he showed that he bore them no exclusive love. He regarded them as an essential part of liberal education, opening the way to other realms of knowledge, while they mature the taste and invigorate the understanding. Here probably all will concur. It may be questioned, whether, in our hurried American life, it is possible, with proper regard for other studies, to introduce into ordinary classical education the exquisite skill which is the pride of English scholarship, reminding us of the minute finish in Chinese art, — or the ponderous and elaborate learning which is the wonder of Germany, reminding us of the unnatural perspective in a Chinese picture. But much will be done, if we establish those habits of accuracy, acquired only through early and careful training, which enable us at least to appreciate the severe beauty of antiquity, while they become an invaluable standard and measure of attainment in other things.

The classics possess a peculiar charm, as models, I might say masters, of composition and form. In the contemplation of these august teachers we are filled with conflicting emotions. They are the early voice of the world, better remembered and more cherished than any intermediate voice, — as the language of childhood still haunts us, when the utterances of later years are effaced from the mind. But they show the rudeness of the world's childhood, before passion yielded to the sway of reason and the affections. They want purity, righteousness, and that highest charm which is

found in love to God and man. Not in the frigid philosophy of the Porch and the Academy are we to seek these; not in the marvellous teachings of Socrates, as they come mended by the mellifluous words of Plato; not in the resounding line of Homer, on whose inspiring tale of blood Alexander pillowed his head; not in the animated strain of Pindar, where virtue is pictured in the successful strife of an athlete at the Olympian games; not in the torrent of Demosthenes, dark with self-love and the spirit of vengeance; not in the fitful philosophy and boastful eloquence of Tully; not in the genial libertinism of Horace, or the stately atheism of Lucretius. To these we give admiration; but they cannot be our highest teachers. In none of these is the way of life. For eighteen hundred years the spirit of these classics has been in constant contention with the Sermon on the Mount, and with those two sublime commandments on which "hang all the law and the prophets."[1] The strife is still pending, and who shall say when it will end? Heathenism, which possessed itself of such Siren forms, is not yet exorcised. Even now it exerts a powerful sway, imbuing youth, coloring the thought of manhood, and haunting the meditation of age. Widening still in sphere, it embraces nations as well as individuals, until it seems to sit supreme.

[1] Terence, taught, perhaps, by his own bitter experience as slave, has given expression to truth almost Christian, when he says, —

"Homo sum, humani nihil a me alienum puto."

Heauton., Act I. Sc. 1.

And in the *Andria*, —

"Facile omnes perferre ac pati,
Cum quibus erat cunque una: iis sese dedere:
Eorum obsequi studiis: advorsus nemini:
Nunquam præponens se illis."

Act I. Sc. 1.

Our own productions, though yielding to the ancient in arrangement, method, beauty of form, and freshness of illustration, are superior in truth, delicacy, and elevation of sentiment,— above all, in the recognition of that peculiar revelation, the Brotherhood of Man. Vain are eloquence and poetry, compared with this heaven-descended truth. Put in one scale that simple utterance, and in the other all the lore of antiquity, with its accumulating glosses and commentaries, and the latter will be light in the balance. Greek poetry has been likened to the song of the nightingale, as she sits in the rich, symmetrical crown of the palm-tree, trilling her thick-warbled notes; but these notes will not compare in sweetness with those teachings of charity which belong to our Christian inheritance.

These things cannot be forgotten by the scholar. From the Past he may draw all it can contribute to the great end of life, human progress and happiness, — progress, without which happiness is vain. But he must close his soul to the hardening influence of that spirit, which is more to be dreaded, as it is enshrined in compositions of such commanding authority.

> "Sunk in Homer's mine,
> I lose my precious years, now soon to fail,
> Handling his gold; which, howsoe'er it shine,
> Proves dross, when balanced in the Christian scale."[1]

In the department of *philology*, kindred to that of the classics, our Scholar labored with similar success. Unlike Sir William Jones in genius, he was like this English scholar in the multitude of languages he embraced. Distance of time and space was forgotten, as he explored the far-off primeval Sanscrit, — the hiero-

[1] Cowper, Sonnet to John Johnson: Minor Poems.

glyphics of Egypt, now awakening from the mute repose of centuries, — the polite and learned tongues of ancient and modern Europe, — the languages of Mohammedanism, — the various dialects in the forests of North America, and in the sandal-groves of the Pacific, — only closing with a *lingua franca* from an unlettered tribe on the coast of Africa, to which his attention was called during the illness which ended in death.

This recital exhibits the variety and extent of his studies in a department which is supposed inaccessible, except to peculiar and Herculean labors. He had a natural and intuitive perception of affinities in language, and of its hidden relations. His researches have thrown important light on the general principles of this science, as also on the history and character of individual languages. In devising an alphabet of the Indian tongues in North America, since adopted in the Polynesian Islands, he rendered a brilliant service to civilization. It is pleasant to contemplate the Scholar sending forth from his seclusion this priceless instrument of improvement. On the distant islands once moistened by the blood of Cook newspapers and books are printed in a native language, which was reduced to a written character by the care and genius of Pickering. The Vocabulary of Americanisms and the Greek and English Lexicon attest still further the variety and value of his philological labors; nor can we sufficiently admire the facility with which, amidst the duties of an arduous profession and the temptations of scholarship, he assumed the appalling task of the lexicographer, which Scaliger compares to the labors of the anvil and the mine.

There are critics, ignorant, hasty, or supercilious, who are too apt to disparage the toils of the philologist, treating them sometimes as curious only, sometimes as trivial, or, when they enter into lexicography, as those of a harmless drudge. It might be sufficient to reply, that all exercise of the intellect promoting forgetfulness of self and the love of science ministers essentially to human improvement. But philology may claim other suffrages. It is its province to aid in determining the character of words, their extraction and signification, and in other ways to guide and explain the use of language; nor is it generous, while enjoying eloquence, poetry, science, and the many charms of literature, to withhold our gratitude from silent and sometimes obscure labors in illustration of that great instrument without which all the rest is nothing.

The science of Comparative Philology, which our Scholar has illustrated, may rank with shining pursuits. It challenges a place by the side of that science which received such development from the genius of Cuvier. The study of Comparative Anatomy has thrown unexpected light on the physical history of the animate creation; but it cannot be less interesting or important to explore the unwritten history of the human race in languages that have been spoken, to trace their pedigree, to detect their affinities, — seeking the prevailing law by which they are governed. As we comprehend these things, confusion and discord retreat, the Fraternity of Man stands confessed, and the philologist becomes a minister at the altar of universal philanthropy. In the study of the Past, he learns to anticipate the Future; and in sublime vision he sees, with Leibnitz, that Unity of the Human Race which, in the succes-

sion of ages, will find its expression in an instrument more marvellous than the infinite Calculus, — a universal language, with an alphabet of human thoughts.[1]

As the sun draws moisture from rill, stream, lake, and ocean, to be returned in fertilizing shower upon the earth, so did our Scholar derive knowledge from all sources, to be diffused in beneficent influence upon the world. He sought it not in study only, but in converse with men, and in experience of life. His curious essay on the Pronunciation of the Ancient Greek Language was suggested by listening to Greek sailors, whom the temptations of commerce had conducted to our shores from their historic sea.

Such a character — devoted to works of wide and enduring interest, not restricted to international lines — awakened respect and honor wherever learning was cultivated. His name was associated with illustrious fraternities of science in foreign nations, while scholars who could not know him face to face, by an amiable commerce of letters sought the aid and sympathy of his learning. His death has broken these living links of fellowship; but his name, that cannot die, will continue to bind all who love knowledge and virtue to the land which was blessed by his presence.

From the Scholar I pass to THE JURIST. JOSEPH STORY died in the month of September, 1845, aged sixty-six. His countenance, familiar in this presence, was always so beaming with goodness and kindness that its withdrawal seems to lessen sensibly the brightness of

[1] Fontenelle, Éloge de Leibnitz: Œuvres, Tom. V. p. 493. Leibnitz, Opera, ed. Dutens, Vol. V. p. 7.

the scene. We are assembled near the seat of his favorite pursuits, among the neighbors intimate with his private virtues, close by the home hallowed by his domestic altar. These paths he often trod; and all that our eyes here look upon seems to reflect his genial smile. His twofold official relations with the University, his high judicial station, his higher character as Jurist, invest his name with a peculiar interest, while the unconscious kindness which he showed to all, especially the young, touches the heart, making us rise up and call him blessed. How fondly would the youth nurtured in jurisprudence at his feet — were such an offering, Alcestis-like, within the allotments of Providence — have prolonged their beloved master's days at the expense of their own!

The University, by the voice of his learned associate, has already rendered tribute to his name. The tribunals of justice throughout the country have given utterance to their solemn grief, and the funeral torch has passed across the sea into foreign lands.

He has been heard to confess that literature was his earliest passion, which yielded only to a sterner summons beckoning to professional life; and they who knew him best cannot forget that he continued to the last fond of poetry and polite letters, and would often turn from Themis to the Muses. Nor can it be doubted that this feature, which marks the resemblance to Selden, Somers, Mansfield, and Blackstone, in England, and to L'Hôpital and D'Aguesseau, in France, has added to the brilliancy and perfection of his character as a jurist. In the history of jurisprudence it would not be easy to mention a single person winning its highest palm who was not a scholar also.

The first hardships incident to study of the law, which perplexed the youthful spirit of the learned Spelman, beset our Jurist with disheartening force. Let the young remember his trial and his triumph, and be of good cheer. According to the custom of his day, while yet a student in the town of Marblehead, he undertook to read Coke on Littleton, in the large folio edition, thatched over with those manifold annotations which cause the best-trained lawyer to "gasp and stare." Striving to force his way through the black-letter page, he was filled with despair. It was but a moment. The tears poured from his eyes upon the open book. Those tears were his precious baptism into the learning of the law. From that time forth he persevered, with ardor and confidence, from triumph to triumph.

He was elevated to the bench of the Supreme Court of the United States, by the side of Marshall, at the early age of thirty-two. At the same early age Buller — reputed the ablest judge of Westminster Hall, in the list of those who never arrived at the honors of Chief Justice — was induced to renounce an income larger than the salary of a judge, to take a seat by the side of Mansfield. The parallel continues. During the remainder of Mansfield's career on the bench, Buller was the friend and associate upon whom he chiefly leaned; and history records the darling desire of the venerable Chief Justice that his faithful assistant should succeed to his seat and chain of office; but these wishes, the hopes of the profession, and his own continued labors were disregarded by a minister who seldom rewarded any but political services, — I mean Mr. Pitt. Our brother, like Buller, was the friend and associate of a venerable chief justice, by whose side he sat for many

years; nor do I state any fact which I should not for the sake of history, when I add, that it was the long-cherished desire of Marshall that Story should be his successor. It was ordered otherwise; and he continued a judge of the Supreme Court for the space of thirty-four years, — a judicial life of almost unexampled length in the history of the Common Law, and of precisely the same duration with the illustrious magistracy of D'Aguesseau in France.

As judge, he was called to administer a most extensive jurisdiction, embracing matters which in England are so variously distributed that they never come before any one court; and in each department he has shown himself second to none other, unless we unite with him in deferring to Marshall as the greatest expounder of a branch peculiar to ourselves, Constitutional Law. Nor will it be easy to mention any other judge who has left behind so large a number of judgments which belong to the first class in the literature of the law. Some excel in a special branch, to which their learning and labor are directed. He excelled in all. At home in the feudal niceties of Real Law, with its dependencies of descents, remainders, and executory devises, — also in the ancient hair-splitting technicalities of Special Pleading, — both creatures of an illiterate age, gloomy with black-letter and verbal subtilties, — he was most skilful in using and expounding the rules of Evidence, the product of a more refined period of juridical history, — was master of the common law of Contracts, and of Commercial Law in its wide expanse, embracing so large a part of those topics which concern the business of our age, — was familiar with Criminal Law, which he administered with the learning of a judge and

the tenderness of a parent, — had compassed the whole circle of Chancery in its jurisdiction and its pleadings, touching all the interests of life, and subtilely adapting the Common Law to our own age; and he ascended with ease to those less trodden heights where are extended the rich demesnes of Admiralty, the Law of Prize, and that comprehensive theme, embracing all that history, philosophy, learning, literature, human experience, and Christianity have testified, — the Law of Nations.

It was not as judge only that he served. He sought other means of illustrating the science of the law which he loved so well, and to the cares of judicial life superadded the labors of author and teacher. To this he was moved by passion for the law, by desire to aid its elucidation, and by the irrepressible instinct of his nature, which found in incessant activity the truest repose. His was that constitution of mind where occupation is the normal state. He was possessed by a genius for labor. Others may moil in law as constantly, but without his loving, successful study. What he undertook he always did with heart, soul, and mind, — not with reluctant, vain compliance, but with his entire nature bent to the task. As in social life, so was he in study: his heart embraced labor, as his hand grasped the hand of friend.

As teacher, he should be gratefully remembered here. He was Dane Professor of Law in the University. By the attraction of his name students were drawn from remote parts of the Union, and the Law School, which had been a sickly branch, became the golden mistletoe of our ancient oak.[1] Besides learning unsurpassed in his profession, he brought other qualities

[1] "Talis erat species auri frondentis opaca
Ilice."

Æneis, VI. 208.

not less important in a teacher, — goodness, benevolence, and a willingness to teach. Only a good man can be a teacher, only a benevolent man, only a man willing to teach. He was filled with a desire to teach. He sought to mingle his mind with that of his pupil. To pour into the souls of the young, as into celestial urns, the fruitful waters of knowledge, was to him a blessed office. The kindly enthusiasm of his nature found a response. Law, sometimes supposed to be harsh and crabbed, became inviting under his instructions. Its great principles, drawn from experience and reflection, from the rules of right and wrong, from the unsounded depths of Christian truth, illustrated by the learning of sages and the judgments of courts, he unfolded so as to inspire a love for their study, — well knowing that the knowledge we impart is trivial, compared with that awakening of the soul under the influence of which the pupil himself becomes teacher. All of knowledge we can communicate is finite ; a few pages, a few chapters, a few volumes, will embrace it ; but such an influence is of incalculable power. It is the breath of a new life ; it is another soul. Story taught as priest of the law seeking to consecrate other priests. In him the spirit spake, not with the voice of earthly calling, but with the gentleness and self-forgetful earnestness of one pleading in behalf of justice, knowledge, happiness. His well-loved pupils hung upon his lips, and, as they left his presence, confessed new reverence for virtue, and warmer love of knowledge for its own sake.

The spirit which glowed in his teachings filled his life. He was, in the truest sense, Jurist, — student and expounder of jurisprudence as a science, — not

merely lawyer or judge, pursuing it as an art. This distinction, though readily perceived, is not always regarded.

Members of the profession, whether on the bench or at the bar, seldom send their regard beyond the case directly before them. The lawyer is generally content with the applause of the court-house, the approbation of clients, "fat contentions, and flowing fees." Infrequently does he render voluntary service felt beyond the limited circle in which he moves, or helping forward the landmarks of justice. The judge, in the discharge of his duty, applies the law to the case before him. He may do this discreetly, honorably, justly, benignly, in such wise that the community who looked to him for justice shall pronounce his name with gratitude, —

> "That his bones,
> When he has run his course and sleeps in blessings,
> May have a tomb of orphans' tears wept on 'em."

But the function of lawyer or judge, both *practising* law, is unlike that of the jurist, who, whether judge or lawyer, examines every principle in the light of science, and, while doing justice, seeks to widen and confirm the means of justice hereafter. All ages have abounded in lawyers and judges; there is no churchyard that does not contain their forgotten dust. But the jurist is rare. The judge passes the sentence of the law upon the prisoner at the bar face to face; but the jurist, invisible to mortal sight, yet speaks, as was said of the Roman Law, swaying by the reason, when he has ceased to govern by the living voice. Such a character does not live for the present only, whether in time or place. Ascending above its temptations,

yielding neither to the love of gain nor to the seduction of ephemeral praise, he perseveres in those serene labors which help to build the mighty dome of justice, beneath which all men are to seek shelter and peace.

It is not uncommon to hear the complaint of lawyers and judges, as they liken themselves, in short-lived fame, to the well-graced actor, of whom only uncertain traces remain when his voice has ceased to charm. But they labor for the present only. How can they hope to be remembered beyond the present? They are instruments of a temporary and perishable purpose. How can they hope for more than they render? They do nothing for all. How can they think to be remembered beyond the operation of their labors? So far forth, in time or place, as any beneficent influence is felt, so far will its author be gratefully commemorated. Happy may he be, if he has done aught to connect his name with the enduring principles of justice!

In the world's history, lawgivers are among the greatest and most godlike characters. They are reformers of nations. They are builders of human society. They are fit companions of the master poets who fill it with their melody. Man will never forget Homer, Virgil, Dante, Shakespeare, Milton, Goethe, — nor those other names of creative force, Minos, Solon, Lycurgus, Numa, Justinian, St. Louis, Napoleon the legislator. Each is too closely linked with human progress not to be always remembered.

In their train follow the company of jurists, whose labors have the value without the form of legislation, and whose recorded opinions, uttered from the chair of a professor, the bench of a judge, or, it may be, from the

seclusion of private life, continue to rule the nations. Here are Papinian, Tribonian, Paulus, Gaius, ancient, time-honored masters of the Roman Law, — Cujas, its most illustrious expounder in modern times, of whom D'Aguesseau said, "Cujas has spoken the language of the law better than any modern, and perhaps as well as any ancient," and whose renown during life, in the golden age of jurisprudence, was such that in the public schools of Germany, when his name was mentioned, all took off their hats, — Dumoulin, kinsman of our English Queen Elizabeth, and most illustrious expounder of municipal law, one of whose books was said to have accomplished what thirty thousand soldiers of his monarch failed to do, — Hugo Grotius, filled with all knowledge and loving all truth, author of that marvellous work, at times divine, at other times, alas! too much of this earth, the "Laws of War and Peace," — John Selden, who against Grotius vindicated for his country the dominion of the sea, supped with Ben Jonson at the Mermaid, and became, according to contemporary judgment, the great dictator of learning to the English nation, — D'Aguesseau, who brought scholarship to jurisprudence throughout a long life elevated by justice and refined by all that character and study could bestow, awakening admiration even at the outset, so that a retiring magistrate declared that he should be glad to end as the young man began, — Pothier, whose professor's chair was kissed in reverence by pilgrims from afar, while from his recluse life he sent forth those treatises which enter so largely into the invaluable codes of France, — Coke, the indefatigable, pedantic, but truly learned author and judge, Mansfield, the Chrysostom of the bench, and Blackstone, the ele-

gant commentator, who are among the few exemplars within the boast of the English Common Law, — and, descending to our own day, Pardessus, of France, to whom commercial and maritime law is under a larger debt, perhaps, than to any single mind, — Thibaut, of Germany, earnest and successful advocate of a just scheme for the reduction of the unwritten law to the certainty of a written text, — Savigny, also of Germany, renowned illustrator of the Roman Law, who is yet spared to his favorite science, — and in our own country one now happily among us to-day by his son,[1] James Kent, the unquestioned living head of American jurisprudence. These are among jurists. Let them not be confounded with the lawyer, bustling with forensic success, although, like Dunning, arbiter of Westminster Hall, or, like Pinkney, acknowledged chief of the American bar. The jurist is higher than the lawyer, — as Watt, who invented the steam-engine, is higher than the journeyman who feeds its fires and pours oil upon its irritated machinery, — as Washington is more exalted than the Swiss, who, indifferent to the cause, barters for money the vigor of his arm and the sharpness of his spear.

The lawyer is the honored artisan of the law. Tokens of worldly success surround him; but his labors are on the things of to-day. His name is written on the sandy margin of the sounding sea, soon to be washed away by the embossed foam of the tyrannous wave. Not so is the name of the jurist. This is inscribed on the immortal tablets of the law. The ceaseless flow of ages does not wear off their indestructible front; the

[1] Hon. William Kent, recently appointed Royall Professor of Law in Harvard University.

hour-glass of Time refuses to measure the period of their duration.

Into the company of Jurists Story has now passed, taking place, not only in the immediate history of his country, but in the grander history of civilization. It was a saying of his, often uttered in the confidence of friendship, that a man may be measured by the horizon of his mind, whether it embraces the village, town, county, or state in which he lives, or the whole broad country, — ay, the world itself. In this spirit he lived and wrought, elevating himself above the present, and always finding in jurisprudence an absorbing interest. Only a few days before the illness ending in death, it was suggested to him, that, as he was about to retire from the bench, there were many who would be glad to see him President. He replied at once, spontaneously, and without hesitation, "that the office of President of the United States would not tempt him from his professor's chair and from the law." So spoke the Jurist. As lawyer, judge, professor, he was always Jurist. While administering justice between parties, he sought to extract from their cause the elements of future justice, and to advance the science of the law. Thus his judgments have a value stamped upon them which is not restricted to the occasions when they were pronounced. Like the gold coin of the Republic, they bear the image and superscription of sovereignty, which is recognized wherever they go, even in foreign lands.

Many years ago his judgments in matters of Admiralty and Prize arrested the attention of that famous judge and jurist, Lord Stowell; and Sir James Mackintosh, a name emblazoned by literature and jurisprudence,

said of them, that they were "justly admired by all cultivators of the Law of Nations."[1] He has often been cited as authority in Westminster Hall, — an English tribute to a foreign jurist almost unprecedented, as all familiar with English law will know; and the Chief Justice of England made the remarkable declaration, with regard to a point on which Story differed from the Queen's Bench, that his opinion would "at least neutralize the effect of the English decision, and induce any of their courts to consider the question as an open one."[2] In the House of Lords, Lord Campbell characterized him as "one of the greatest ornaments of the United States, who had a greater reputation as a legal writer than any author England could boast since the days of Blackstone";[3] and, in a letter to our departed brother, the same distinguished magistrate said: "I survey with increased astonishment your extensive, minute, exact, and familiar knowledge of English legal writers in every department of the law. A similar testimony to your juridical learning, I make no doubt, would be offered by the lawyers of France and Germany, as well as of America, and we should all concur in placing you at the head of the jurists of the present age."[4] His authority was acknowledged in France and Germany, the classic lands of jurisprudence; nor is it too much to say, that at the moment of his death he

[1] Letter of Sir James Mackintosh to Hon. Edward Everett, dated June 3, 1824: Life and Letters of Story, Vol. I. p. 435.

[2] Letter of Lord Denman to Charles Sumner, Esq., dated September 29, 1840: Life and Letters of Story, Vol. II. p. 379. The case to which Lord Denman referred was that of *Peters* v. *The Warren Insurance Company*, 3 Sumner's Rep. 389, where Mr. Justice Story dissented from the case of *De Vaux* v. *Salvador*, 4 Adolph. & Ellis, 420.

[3] Hansard, Parl. Deb., LXVIII. 667.

[4] Life and Letters of Story, Vol. II. p. 429.

enjoyed a renown such as had never before been achieved, during life, by any jurist of the Common Law.

In this recital I state simply facts, without intending to assert presumptuously for our brother any precedence in the scale of eminence. The extent of his fame is a fact. It will not be forgotten, as a proper contrast to his fame, which was not confined to his own country or to England, that the cultivators of the Common Law have hitherto enjoyed little more than an insular reputation, and that even its great master received on the Continent no higher designation than *quidam Cocus*, "one Coke."

In the Common Law was the spirit of liberty; in that of the Continent the spirit of science. The Common Law has given to the world trial by jury, *habeas corpus*, parliamentary representation, the rules and orders of debate, and that benign principle which pronounces that its air is too pure for a slave to breathe, — perhaps the five most important political establishments of modern times. From the Continent proceeded the important impulse to the systematic study, arrangement, and development of the law, — also the example of Law Schools and of Codes.

Story was bred in the Common Law; but while admiring its vital principles of freedom, he felt how much it would gain from science, and from other systems of jurisprudence. In his later labors he never forgot this object; and under his hands we behold the development of a study until him little known or regarded, — the science of *Comparative Jurisprudence*, kindred to those other departments of knowledge which exhibit the relations of the human family, and showing that amidst diversity there is unity.

I need not add that he emulated the law schools of the Continent, — as "ever witness for him" this seat of learning.

On more than one occasion, he urged, with conclusive force, the importance of reducing the unwritten law to the certainty of a code, compiling and bringing into one body fragments now scattered in all directions, through the pages of many thousand volumes.[1] His views on this subject, while differing from those of John Locke and Jeremy Bentham, — both of whom supposed themselves able to clothe a people in a new code, as in fresh garments, — are in substantial harmony with the conclusions now adopted by the jurists of Continental Europe, and not unlike those of an earlier age having the authority of Bacon and Leibnitz, the two greatest intellects ever applied to topics of jurisprudence in modern times.[2]

In this catholic spirit he showed true eminence. He loved the law with a lover's fondness, but not with a lover's blindness. He could not join with those devotees of the Common Law by whom it is entitled "the perfection of reason," — an anachronism great as the assumed infallibility of the Pope: as if perfection or infallibility existed in this world! He was led, in becoming temper, to contemplate its amendment; and here is revealed the Jurist, — not content with the present, but thoughtful of the future. In a letter published since his death, he refers with sorrow to "what

[1] Encyclopædia Americana, article *Law, Legislation, Codes*, Appendix to Vol. VII. pp. 576 - 592. Report of the Commissioners of Massachusetts on the Codification of the Common Law. American Jurist, Vol. XVII. p. 17.

[2] Bacon, Offer to King James of a Digest to be made of the Laws of England: Works, Vol. II. p. 548, 4to ed. Leibnitz, Ratio Corporis Juris reconcinnandi; Epist. XV., ad Kestnerum: Opera, Tom. IV. Pars iii. pp. 235, 269.

is but too common in our profession, — a disposition to resist innovation, even when it is improvement." It is an elevated mind that, having mastered the subtilties of the law, is willing to reform them.

And now farewell to thee, Jurist, Master, Benefactor, Friend! May thy spirit continue to inspire a love for the science of the law! May thy example be ever fresh in the minds of the young, beaming, as in life, with encouragement, kindness, and joy!

From the grave of the Jurist, at Mount Auburn, let us walk to that of THE ARTIST, who sleeps beneath the protecting arms of those trees which cast their shadow into this church. WASHINGTON ALLSTON died in the month of July, 1843, aged sixty-three, having reached the grand climacteric, that famous mile-stone on the road of life. It was Saturday night; the cares of the week were over; the pencil and brush were laid in repose; the great canvas, on which for many years he had sought to perpetuate the image of Daniel confronting the soothsayers of Belshazzar, was left, with fresh chalk lines designating the labor to be resumed after the repose of the Sabbath; the evening was passed in the converse of family and friends; words of benediction had fallen from his lips upon a beloved relative; all had retired for the night, leaving him alone, in health, to receive the visitation of Death, sudden, but not unprepared for. Happy lot, thus to be borne away with blessings on the lips, — not through the long valley of disease, amidst the sharpness of pain, and the darkness that clouds the slowly departing spirit, but straight upward, through realms of light, swiftly, yet gently, as on the wings of a dove!

The early shades of evening began to prevail before the body of the Artist reached its last resting-place; and the solemn service of the church was read in the open air, by the flickering flame of a torch, — fit image of life. In the group of mourners who bore a last tribute to what was mortal in him of whom so much was immortal stood our Jurist. Overflowing with tenderness and appreciation of merit in all its forms, his soul was touched by the scene. In vivid words, as he slowly left the church-yard, he poured forth his admiration and his grief. Never was such an Artist mourned by such a Jurist.

Of Allston may we repeat the words in which Burke commemorated his friend Sir Joshua Reynolds, when he says, "He was the first who added the praise of the elegant arts to the other glories of his country."[1] An ingenious English writer, who sees Art with the eye of taste and humanity, and whom I quote with sympathy, if not with entire assent, has said, in a recent publication on our Artist, "It seemed to me that in him America had lost her third great man. What Washington was as a statesman, Channing as a moralist, *that* was Allston as an artist."[2]

Here again is discerned the inseparable union between character and works. Allston was a good man, with a soul refined by purity, exalted by religion, softened by love. In manner he was simple, yet courtly, — quiet, though anxious to please, — kindly to all alike, the poor and lowly not less than the rich and great. As he spoke, in that voice of gentlest utterance, all were

[1] Prior, Life of Burke, Vol. II. p. 190.

[2] Mrs. Jameson, Memoirs and Essays: *Washington Allston*, p. 126. (New York, 1846.)

charmed to listen; and the airy-footed hours often tripped on far towards the gates of morning, before his friends could break from his spell. His character is transfigured in his works. The Artist is always inspired by the man.

His life was consecrated to Art. He lived to diffuse Beauty, as writer, poet, painter. As an expounder of principles in his art, he will take a place with Leonardo da Vinci, Albert Dürer, Sir Joshua Reynolds, and Fuseli. His theory of painting, as developed in his still unpublished discourses, and in that tale of beauty, "Monaldi," is an instructive memorial of conscientious study. In the small group of painter-poets — poets by the double title of pencil and pen — he holds an honored place. His ode "America to Great Britain," which is among the choice lyrics of the language, is superior to the satirical verse of Salvator Rosa, and may claim companionship with the remarkable sonnets of Michel Angelo. It was this which made no less a judge than Southey place him among the first poets of the age.

In youth, while yet a pupil at the University, his busy fingers found pleasure in drawing; and a pen-and-ink sketch from his hand at that time is still preserved in the records of a college society. Shortly after leaving Cambridge he repaired to Europe, in the pursuit of Art. At Paris were then collected the masterpieces of painting and sculpture, the spoils of unholy war, robbed from their native galleries and churches to swell the pomp of the Imperial capital. There our Artist devoted his days to diligent study of his profession, particularly to drawing, so important to accurate art. At a later day, alluding to these thorough labors, he said he

"worked like a mechanic." To these, perhaps, may be referred his singular excellence in that necessary, but neglected branch, which is to Art what grammar is to language. Grammar and Design are treated by Aristotle on a level.

Turning his back upon Paris and the greatness of the Empire, he directed his steps towards Italy, the enchanted ground of literature, history, and art, — strown with richest memorials of the Past, — filled with scenes memorable in the Progress of Man, — teaching by the pages of philosophers and historians, — vocal with the melody of poets, — ringing with the music which St. Cecilia protects, — glowing with the living marble and canvas, — beneath a sky of heavenly purity and brightness, — with the sunsets which Claude has painted, — parted by the Apennines, early witnesses of the unrecorded Etruscan civilization, — surrounded by the snow-capped Alps, and the blue, classic waters of the Mediterranean Sea. The deluge of war submerging Europe had subsided here, and our Artist took up his peaceful abode in Rome, the modern home of Art. Strange vicissitude of condition! Rome, sole surviving city of Antiquity, once disdaining all that could be wrought by the cunning hand of sculpture, —

> "Excudent alii spirantia mollius æra,
> Credo equidem: vivos ducent de marmore vultus," —

who has commanded the world by her arms, her jurisprudence, her church, — now sways it further by her arts. Pilgrims from afar, where her eagles, her prætors, her interdicts never reached, become willing subjects of this new empire; and the Vatican, stored with the priceless remains of Antiquity, and the touching creations of modern art, has succeeded to the Vati-

can whose thunders intermingled with the strifes of modern Europe.

At Rome he was happy in the friendship of Coleridge, and in long walks cheered by his companionship. We can well imagine that the author of "Genevieve" and "The Ancient Mariner" would find sympathy with Allston. It is easy to recall these two natures, tremblingly alive to beauty of all kinds, looking together upon those majestic ruins, upon the manifold accumulations of Time, upon the marble which almost speaks, and upon the warmer canvas, — listening together to the flow of perpetual fountains, fed by ancient aqueducts, — musing together in the Forum on the mighty footprints of History, — and entering together, with sympathetic awe, that grand Christian church whose dome rises a majestic symbol of the comprehensive Christianity which is the promise of the Future. "Never judge a work of art by its defects," was a lesson of Coleridge to his companion, which, when extended, by natural expansion, to the other things of life, is a sentiment of justice and charity, more precious than a statue of Praxiteles or a picture of Raphael.

In England, where our Artist afterwards passed several years, his intercourse with Coleridge was renewed, and he became the friend and companion of Lamb and Wordsworth also. Returning to his own country, he spoke of them with fondness, and often dwelt upon their genius and virtue.

In considering his character as an Artist, we may regard him in three different respects, — drawing, color, and expression or sentiment. It has already been seen that he devoted himself with uncommon zeal to drawing. His works bear witness to this excellence. There

are chalk outlines by him, sketched on canvas, which are clear and definite as anything from the classic touch of Flaxman.

His excellence in color was remarkable. This seeming mystery, which is a distinguishing characteristic of artists in different schools, periods, and countries, is not unlike that of language in literature. Color is to the painter what words are to the author; and as the writers of one age or place arrive at a peculiar mastery in language, so do artists excel in color. It would be difficult to account satisfactorily for the rich idiom suddenly assumed by our English tongue in the contemporaneous prose of Sidney, Hooker, and Bacon, and in the unapproached affluence of Shakespeare. It might be as difficult to account for the unequalled tints which shone on the canvas of Tintoretto, Paul Veronese, and Titian, masters of what is called the Venetian School. Ignorance has sometimes referred these glories to concealed or lost artistic rules in combinations of color, not thinking that they can be traced only to a native talent for color, prompted into activity by circumstances difficult at this late period to determine. As some possess a peculiar, untaught felicity and copiousness of words without accurate knowledge of grammar, so there are artists excelling in rich and splendid color, but ignorant of drawing, and, on the other hand, accurate drawing is sometimes coldly clad in unsatisfactory color.

Allston was largely endowed by Nature with the talent for color, which was strongly developed under the influence of Italian art. While in Rome, he was remarked for his excellence in this respect, and received from German painters there the flattering title of "American Titian." Critics of authority have said that

the clearness and vigor of his color approached that of the elder masters.[1] Rich and harmonious as the verses of the "Faëry Queen," it was uniformly soft, mellow, and appropriate, without the garish brilliancy of the modern French School, calling to mind the saying of the blind man, that red resembles the notes of a trumpet.

He affected no secret or mystery in the preparation of colors. What he knew he was ready to impart: his genius he could not impart. With simple pigments, accessible to all alike, he reproduced, with glowing brush, the tints of Nature. All that his eyes looked upon furnished a lesson. The flowers of the field, the foliage of the forest, the sunset glories of our western horizon, the transparent azure above, the blackness of the storm, the soft gray of twilight, the haze of an Indian summer, the human countenance animate with thought, and that finest color in Nature, according to the ancient Greek, the blush of ingenuous youth, — these were the sources from which he drew. With a discerning spirit he mixed them on his palette, and with the eye of sympathy saw them again on his canvas.

But richness of color superadded to accuracy of drawing cannot secure the highest place in Art; and here I approach a more harmonious topic. Expression, or, in other words, the sentiment, the thought, the soul, which inspires the work, is not less important than that which animates the printed page or beams from the human countenance. The mere imitation of inanimate Nature belongs to the humbler schools of Art. The skill of Zeuxis, which drew birds to peck at the grapes on his canvas, and the triumph of Parrhasius, who de-

[1] Bunsen, Beschreibung der Stadt Rom, Band I. p. 588. Article on *Modern Art*, by K. Platner.

ceived his rival by a painted curtain, cannot compare with those pictures which seem articulate with the voices of humanity. The highest form of Art is that which represents man in the highest scenes and under the influence of the highest sentiments. And that quality or characteristic called *expression* is the highest element of Art. It is this which gives to Raphael, who yields to Titian in color, such acknowledged eminence. His soul was brimming with sympathies, which his cunning hand kept alive in immortal pictures. Eye, mouth, countenance, the whole composition, has life, — not the life of mere imitation, copied from common Nature, but elevated, softened, refined, idealized. Beholding his works, we forget the colors in which they are robed; we gaze at living forms, and look behind the painted screen of flesh into living souls. A genius so largely endowed with the Promethean fire has been not unaptly called Divine.

It was said by Plato that nothing is beautiful which is not morally good. But this is not a faultless proposition. Beauty is of all kinds and degrees; and it exists everywhere beneath the celestial canopy, in us and about us. It is that completeness or finish which gives pleasure to the mind. It is found in the color of a flower, and the accuracy of geometry, — in an act of self-sacrifice, and the rhythm of a poem, — in the virtues of humanity, and the marvels of the visible world, — in the meditations of a solitary soul, and the stupendous mechanism of civil society. There is beauty where there is neither life nor morality; but the highest form of beauty is in the perfection of the moral nature.

The highest beauty of expression is a grace of Chris-

tian art. It flows from sensibilities, affections, and struggles peculiar to the Christian character. It breathes purity, gentleness, meekness, patience, tenderness, peace. It abhors pride, vain-glory, selfishness, intemperance, lust, war. How celestial, compared with that which dwells in perfection of form or color only! The beauty of ancient art found congenial expression in the faultless form of Aphrodite rising from the sea,[1] and in the majestic mien of Juno, with snow-white arms, and royal robes, seated on a throne of gold,[2] — not in the soul-lit countenance of her who watched the infant in his manger-cradle, and throbbed with a mother's heart beneath the agonies of the cross.

Allston was a Christian artist; and the beauty of expression lends uncommon charm to his colors. All that he did shows purity, sensibility, refinement, delicacy, feeling, rather than force. His genius was almost feminine. As he advanced in years, this was more remarked. His pictures became more and more instinct with those sentiments which form the true glory of Art. Early in life he had a partiality for pieces representing *banditti;* but this taste does not appear in his later works. And when asked if he would undertake to fill the vacant panels in the rotunda of the Capitol at Washington, should Congress determine to order such a work, he is reported to have said, in memorable words, "I will paint only one subject, and choose my own: *No battle-piece!*"[3] This incident, so honorable to the Artist, is questioned; but it is certain that on more than one occasion he avowed a disinclination to

[1] Ovid, Tristia, Lib. II. 527.

[2] Martial, Epig., Lib. X. 89.

[3] Dunlap's History of the Arts of Design, Vol. II. p. 188. Mrs. Jameson's Memoirs and Essays: *Washington Allston*, p. 114.

paint *battle-pieces.* I am not aware if he assigned any reason. Is it too much to suppose that his refined artistic sense, recognizing expression as the highest beauty of Art, unconsciously judged the picture? The ancient Greek epigram, describing the Philoctetes of Parrhasius, an image of hopeless wretchedness and consuming grief, rises to a like sentiment, when it says, with mild rebuke, —

> "We blame thee, painter, though thy skill commend;
> 'T was time his sufferings with himself should end."[1]

In another tone, and with cold indifference to human suffering, Lucretius sings, in often-quoted verse, that it is pleasant, when beyond the reach of danger, to behold the shock of contending armies: —

> "Suave etiam belli certamina magna tueri."[2]

In like heathen spirit, it may be pleasant to behold a *battle-piece* in Art. But this is wrong. Admitting the calamitous necessity of war, it can never be with pleasure — it cannot be without sadness unspeakable — that we survey its fiendish encounter. The artist of purest aim, sensitive to these emotions, withdraws naturally from the field of blood, confessing that no scene of battle finds a place in the highest Art, — that man, created in the image of God, can never be pictured degrading, profaning, violating that sacred image.

Were this sentiment adopted in literature as in Art, war would be shorn of its false glory. Poet, historian, orator, all should join with the Artist in saying, *No battle-piece!* Let them cease to dwell, except with pain and reprobation, upon those dismal exhibitions of

[1] Anthol. Lib. IV. Tit. viii. Ep. 26.
[2] Lucretius, De Rerum Natura, Lib. II. 6.

human passion where the life of friends is devoted to procure the death of enemies. No pen, no tongue, no pencil, by praise or picture, can dignify scenes from which God averts His eye. It is true, man has slain his fellow-man, armies have rushed in deadly shock against armies, the blood of brothers has been spilled. These are tragedies which History enters sorrowfully, tearfully, in her faithful record; but this generous Muse with too attractive colors must not perpetuate the passions from which they sprang or the griefs they caused. Be it her duty to dwell with eulogy and pride on all that is magnanimous, lovely, beneficent; let this be preserved by votive canvas and marble also. But *No battle-piece!*

In the progress of truth, the animal passions degrading our nature are by degrees checked and subdued. The license of lust and the brutality of intemperance, marking a civilization inferior to our own, are at last driven from public display. Faithful Art reflects the character of the age. To its honor, libertinism and intemperance no longer intrude their obscene faces into its pictures. The time is at hand when religion, humanity, and taste will concur in rejecting any image of human strife. Laïs and Phryne have fled; Bacchus and Silenus are driven reeling from the scene. Mars will soon follow, howling, as with that wound from the Grecian spear before Troy. The Hall of Battles, at Versailles, where Louis Philippe, the inconsistent conservator of peace, has arrayed, on acres of canvas, the bloody contests in the long history of France, will be shut by a generation appreciating true greatness.

In the mission of teaching to nations and to individuals wherein is true greatness, Art has a noble office.

If not herald, she is at least handmaid of Truth. Her lessons may not train the intellect, but they cannot fail to touch the heart. Who can measure the influence from an image of beauty, affection, and truth? The Christus Consolator of Scheffer, without a word, wins the soul. Such a work awakens lasting homage to the artist, and to the spirit from which it proceeds, while it takes its place with things that never die. Other works, springing from the lower passions, are no better than gaudy, perishing flowers of earth; but here is perennial, amaranthine bloom.

Allston loved excellence for its own sake. He looked down upon the common strife for worldly consideration. With impressive beauty of truth and expression, he said, "Fame is the eternal shadow of excellence, from which it can never be separated."[1] Here is a volume, prompting to noble thought and action, not for the sake of glory, but for advance in knowledge, virtue, excellence. Our Artist gives renewed utterance to that sentiment which is the highest grace in the life of the great magistrate, Lord Mansfield, when, confessing the attractions of "popularity," he said it was that which followed, not which was followed after.

As we contemplate the life and works of Allston, we are inexpressibly grateful that he lived. His example is one of our best possessions. And yet, while rejoicing that he has done much, we seem to hear a whisper that he might have done more. His productions suggest a higher genius than they display; and we are disposed sometimes to praise the master rather than the work. Like a beloved character in English literature, Sir James Mackintosh, he finally closed a career of beautiful, but

[1] Mrs. Jameson, Memoirs and Essays: *Washington Allston*, p. 118.

fragmentary labors, leaving much undone which all had hoped he would do. The great painting which haunted so many years of his life, and which his friends and country awaited with anxious interest, remained unfinished at last. His Virgilian sensibility and modesty would doubtless have ordered its destruction, had death arrested him less suddenly. Titian died, leaving incomplete, like Allston, an important picture, on which his hand was busy down to the time of his death. A pious and distinguished pupil, the younger Palma, took up the labor of his master, and, on its completion, placed it in the church for which it was destined, with this inscription: "That which Titian left unfinished Palma reverently completed, and dedicated to God." Where is the Palma who can complete what our Titian has left unfinished?

Let us now devoutly approach the grave of the brother whom, in order of time, we were first called to mourn. WILLIAM ELLERY CHANNING, THE PHILANTHROPIST, died in the month of October, 1842, aged sixty-two. By an easy transition we pass from Allston to Channing. They were friends and connections. The monumental stone which marks the last resting-place of the Philanthropist was designed by the Artist. In physical organization they were not unlike, each possessing a fineness of fibre hardly belonging to the Anglo-Saxon stock. In both we observe similar sensibility, delicacy, refinement, and truth, with highest aims; and the color of Allston finds a parallel in the Venetian richness which marks the style of Channing.

I do not speak of him as Theologian, although his labors have earned this title also. It is probable that no single mind, in our age, has exerted a greater influence over theological opinions. But I pass all this by, without presuming to indicate its character. Far better dwell on those labors which should not fail to find favor in all churches, whether at Rome, Geneva, Canterbury, or Boston.

His influence is widely felt and acknowledged. His words have been heard and read by thousands, in all conditions of life, and in various lands, whose hearts now throb with gratitude towards the meek and eloquent upholder of divine truth. An American traveller, at a small village nestling on a terrace of the Tyrolese Alps, encountered a German, who, hearing that his companion was from Boston, inquired earnestly after Channing, — saying that the difficulty of learning the English language was adequately repaid by the charm of his writings. A distinguished stranger, when about to visit our country, was told by a relative not less lovely in character than elevated in condition, that she envied him his journey "for the sake of Niagara and Channing." We have already observed that a critic of Art places him in an American triumvirate with Allston and Washington. More frequently he is associated with Washington and Franklin. Unlike Washington, he was never general or president; unlike Franklin, he never held high office. But it would be difficult to say that since them any American has exerted greater sway over his fellow-men. And yet, if it be asked what single measure he carried to a successful close, I could not answer. It is on *character* that he has wrought and is still producing incalculable

change. So extensive is this influence, that multitudes now feel it, although strangers to his spoken or even his written word. The whole country and age feel it.

I have called him Philanthropist, lover of man, — the title of highest honor on earth. "I take goodness in this sense," says Lord Bacon, in his Essays, "*the affecting of the weal of men*, which is that the Grecians call *Philanthropia*. . . . . This of all virtues and dignities of the mind is the greatest, being the character of the Deity; and without it man is a busy, mischievous, wretched thing, no better than a kind of vermin." Lord Bacon was right. Confessing the attractions of scholarship, awed by the majesty of the law, fascinated by the beauty of Art, the soul bends with involuntary reverence before the angelic nature that seeks the good of his fellow-man. Through him God speaks. On him has descended in especial measure the Divine Spirit. God is Love; and man, when most active in good works, most nearly resembles Him. In heaven, we are told, the first place or degree is given to the angels of love, who are termed Seraphim, — the second to the angels of light, who are termed Cherubim.

Sorrowfully it must be confessed that the time has not come when even his exalted labors find equal acceptance with all men. And now, as I undertake to speak of them in this presence, I seem to tread on half-buried cinders. I shall tread fearlessly, loyal ever, I hope, to the occasion, to my subject, and to myself. In the language of my own profession, I shall not travel out of the record; but I must be true to the record. It is fit that his name should be commemorated here. He was one of us. He was a son of the University, enrolled also among its teachers, and for many years a

Fellow of the Corporation. To him, more, perhaps, than to any other person, is she indebted for her most distinctive opinions. His fame is indissolubly connected with hers: —

> "And when thy ruins shall disclaim
> To be the treasurer of his name,
> His name, that cannot die, shall be
> An everlasting monument to thee." [1]

I have called him Philanthropist: he may also be called Moralist, for he was the expounder of human duties; but his exposition of duties was another service to humanity. His morality, elevated by Christian love, fortified by Christian righteousness, was frankly applied to the people and affairs of his own country and age. He saw full well, that, in contest with wrong, more was needed than a declaration of simple principles. A general morality is too vague for action. Tamerlane and Napoleon both might join in general praise of peace, and entitle themselves to be enrolled, with Alexander of Russia, as members of a Peace Society. Many satisfy the conscience by such generalities. This was not the case with our Philanthropist. He brought his morality to bear distinctly upon the world. Nor was he disturbed by another suggestion, which the moralist often encounters, that his views were sound in theory, but not practical. He well knew that what is unsound in theory must be vicious in practice. Undisturbed by hostile criticism, he did not hesitate to arraign the wrong he discerned, and fasten upon it the mark of Cain. His philanthropy was morality in action.

As a moralist, he knew that the truest happiness

[1] Ben Jonson's inscription for the "pious marble" in honor of Drayton.

is reached only by following the Right; and as a lover of man, he sought on all occasions to inculcate this supreme duty, which he addressed to nations and individuals alike. In this attempt to open the gates of a new civilization, he encountered prejudice and error. The principles of morality, first possessing the individual, slowly pervade the body politic; and we are often told, in extenuation of war and conquest, that the nation and the individual are governed by separate laws, — that the nation may do what an individual may not do. In combating this pernicious fallacy, Channing was a benefactor. He helped to bring government within the Christian circle, and taught the statesman that there is one comprehensive rule, binding on the conscience in public affairs, as in private affairs. This truth cannot be too often proclaimed. Pulpit, press, school, college, all should render it familiar to the ear, and pour it into the soul. Beneficent Nature joins with the moralist in declaring the universality of God's law; the flowers of the field, the rays of the sun, the morning and evening dews, the descending showers, the waves of the sea, the breezes that fan our cheeks and bear rich argosies from shore to shore, the careering storm, all on this earth, — nay, more, the system of which this earth is a part, and the infinitude of the Universe, in which our system dwindles to a grain of sand, all declare one prevailing law, knowing no distinction of person, number, mass, or extent.

While Channing commended this truth, he fervently recognized the Rights of Man. He saw in our institutions, as established in 1776, the animating idea of Human Rights, distinguishing us from other countries. It was this idea, which, first appearing at our nativity as a

nation, shone on the path of our fathers, as the unaccustomed star in the west which twinkled over Bethlehem.

Kindred to the idea of Human Rights was that other, which appears so often in his writings as to inspire his whole philanthropy, the importance of the Individual Man. No human soul so abject in condition as not to find sympathy and reverence from him. He confessed brotherhood with all God's children, although separated from them by rivers, mountains, and seas, — although a torrid sun had left upon them an unchangeable Ethiopian skin. Filled with this thought, he was untiring in effort to promote their elevation and happiness. He yearned to do good, to be a spring of life and light to his fellow-men. "I see nothing worth living for," he said, "but the divine virtue which endures and surrenders all things for truth, duty, and mankind." In this spirit, so long as he lived, he was the constant champion of Humanity.

In the cause of education and of temperance he was earnest. He saw how essential to a people governing themselves was knowledge, — that without it the right of voting would be a dangerous privilege, and that with it the nation would be elevated with new means of happiness and power. His vivid imagination saw the blight of intemperance, and exposed it in glowing colors. In these efforts he was sustained by the kindly sympathy of those among whom he lived.

There were two other causes in which, more than any other, his soul was enlisted, especially toward the close of life, and with which his name will be inseparably associated, — I mean the efforts for the abolition of those two terrible scourges, Slavery and War.

All will see that I cannot pass these by on this occasion; for not to speak of them would be to present a portrait in which the most distinctive features were wanting.

And, first, as to Slavery. To this his attention was particularly drawn by early residence in Virginia, and a season subsequently in one of the West India Islands. His soul was moved by its injustice and inhumanity. He saw in it an infraction of God's great laws of Right and Love, and of the Christian precept, "Whatsoever ye would that men should do to you, do ye even so to them." Regarding it contrary to the law of Nature, the Philanthropist unconsciously adopted the conclusions of the Supreme Court of the United States, speaking by the mouth of Chief Justice Marshall,[1] and of the Supreme Court of Massachusetts, at a later day, speaking by the mouth of Chief Justice Shaw. A solemn decision, now belonging to the jurisprudence of this Commonwealth, declares that "slavery is contrary to natural right, to the principles of justice, humanity, and sound policy."[2]

With these convictions, his duty as Moralist and Philanthropist did not admit of question. He saw before him a giant wrong. Almost alone he went forth to the contest. On his return from the West Indies, he first declared himself from the pulpit. At a later day, he published a book entitled "Slavery," the most considerable treatise from his pen. His object, as he testifies, was "to oppose slavery on principles which, if admitted, would inspire resistance to all the wrongs and reverence for all the rights of human nature."[3] Other

[1] The Antelope, 10 Wheaton's Rep. 211.

[2] Commonwealth v. Aves, 18 Pick. 211.

[3] Letter to Blanco White, July 29, 1836: Life of White, Vol. II. p. 251.

publications followed down to the close of his life, among which was a prophetic letter, addressed to Henry Clay, against the annexation of Texas, on the ground that it would entail war with Mexico and the extension of slavery. It is interesting to know that this letter, before its publication, was read to his classmate Story, who listened to it with admiration and assent; so that the Jurist and the Philanthropist joined in this cause.

In his defence of African liberty he invoked always the unanswerable considerations of justice and humanity. The argument of economy, deemed by some to contain all that is pertinent, never presented itself to him. The question of profit and loss was absorbed in the question of right and wrong. His maxim was, — Anything but slavery; poverty sooner than slavery. But while exhibiting this institution in blackest colors, as inhuman, unjust, unchristian, unworthy of an enlightened age and of a republic professing freedom, his gentle nature found no word of harshness for those whom birth, education, and custom bred to its support. Implacable towards wrong, he used mild words towards wrong-doers. He looked forward to the day when they too, encompassed by a *moral blockade*, invisible to the eye, but more potent than navies, and under the influence of increasing light, diffused from all the nations, must acknowledge the wrong, and set the captive free.

He urged the *duty* — such was his unequivocal language — incumbent on the Northern States to free themselves from all support of slavery. To this conclusion he was driven irresistibly by the ethical principle, that *what is wrong for the individual is wrong for*

the state. No son of the Pilgrims can hold a fellow-man in bondage. Conscience forbids. No son of the Pilgrims can, through Government, hold a fellow-man in bondage. Conscience equally forbids. We have among us to-day a brother who, reducing to practice the teachings of Channing and the suggestions of his own soul, has liberated the slaves which fell to him by inheritance. Our homage to this act attests the obligation upon ourselves. In asking the Free States to disconnect themselves from all support of slavery, Channing called them to do as *States* what PALFREY has done as *man.* At the same time he dwelt with affectionate care upon the Union. He sought to reform, not to destroy, — to eradicate, not to overturn; and he cherished the Union as mother of peace, plenteousness, and joy.

Such were some of his labors for liberty. The mind instinctively recalls the parallel exertions of John Milton. He, too, was a defender of liberty. His "Defence of the People of England" drew to him, living, a larger fame than his sublime epic. But Channing's labors were of a higher order, more instinct with Christian sentiment, more truly worthy of renown. Milton's *Defensio pro Populo Anglicano* was for the *political* freedom of the English people, supposed at that time to number four and a half millions. It was written after the "bawble" of royalty had been removed, and in the confidence that the good cause was triumphantly established, beneath the protecting genius of Cromwell. Channing's *Defensio pro Populo Africano* was for the *personal* freedom of three million fellow-men in abject bondage, none of whom knew that his eloquent pen was pleading their cause. The

efforts of Milton produced his blindness; those of Channing exposed him to obloquy and calumny. How justly might the Philanthropist have borrowed the exalted words of the Sonnet to Cyriac Skinner!—

> "What supports me, dost thou ask?
> The conscience, friend, to have lost them overplied
> *In liberty's defence, my noble task,*
> *Of which all Europe rings from side to side.*"

The same spirit of justice and humanity animating him in defence of liberty inspired his exertions for the abolition of the barbarous custom or institution of War. When I call war an institution, I mean international war, sanctioned, explained, and defined by the Law of Nations, as a mode of determining questions of right. I mean war, the arbiter and umpire, the Ordeal by Battle, deliberately continued in an age of civilization, as the means of justice between nations. Slavery is an institution sustained by municipal law. War is an institution sustained by the Law of Nations. Both are relics of the early ages, and are rooted in violence and wrong.

The principle, already considered, that nations and individuals are bound by one and the same rule, applies here with unmistakable force. The Trial by Battle, to which individuals once appealed for justice, is branded by our civilization as *monstrous* and *impious;* nor can we recognize honor in the successful combatant. Christianity turns from these scenes, as abhorrent to her best injunctions. And is it right in nations to prolong a usage, monstrous and impious in individuals? There can be but one answer.

This definition leaves undisturbed that question of Christian ethics, whether the right of self-defence is

consistent with the example and teaching of Christ. Channing thought it was. It is sufficient that war, when regarded as a judicial combat, sanctioned by the Law of Nations as an *institution* to determine justice, raises no such question, involves no such right. When, in our age, two nations, parties to existing international law, after mutual preparations, continued perhaps through years, appeal to war and invoke the God of Battles, they *voluntarily* adopt this unchristian umpirage; nor can either side plead that overruling *necessity* on which alone the right of self-defence is founded. They are governed at every step by the Laws of War. But self-defence is independent of law; it knows no law, but springs from sudden tempestuous urgency, which brooks neither circumscription nor delay. Define it, give it laws, circumscribe it by a code, invest it with form, refine it by punctilio, and it becomes *the Duel*. And modern war, with its definitions, laws, limitations, forms, and refinements, is *the Duel of Nations*.

These nations are communities of Christian brothers. War is, therefore, a duel between brothers; and here its impiety finds apt illustration in the past. Far away in the early period of time, where uncertain hues of Poetry blend with the clearer light of History, our eyes discern the fatal contest between those two brothers, Eteocles and Polynices. No scene stirs deeper aversion; we do not inquire which was right. The soul cries out, in bitterness and sorrow, *Both were wrong*, and refuses to discriminate between them. A just and enlightened opinion, contemplating the feuds and wars of mankind, will condemn both sides as wrong, pronouncing all war fratricidal, and every battle-field

a scene from which to avert the countenance, as from that dismal duel beneath the walls of Grecian Thebes.

To hasten this judgment our Philanthropist labored. "Follow my white plume," said the chivalrous monarch of France. "Follow the Right," more resplendent than plume or oriflamme, was the watchword of Channing. With a soul kindling intensely at every story of magnanimous virtue, at every deed of self-sacrifice in a righteous cause, his clear Christian judgment saw the mockery of what is called military glory, whether in ancient thunderbolts of war or in the career of modern conquest. He saw that the fairest flowers cannot bloom in soil moistened by human blood, — that to overcome evil by bullets and bayonets is less great and glorious than to overcome it by good, — that the courage of the camp is inferior to this Christian fortitude found in patience, resignation, and forgiveness of evil, as the spirit which scourged and crucified the Saviour was less divine than that which murmured, "Father, forgive them, for they know not what they do."

With fearless pen he arraigned that giant criminal, Napoleon Bonaparte. Witnesses flocked from all his scenes of blood; and the pyramids of Egypt, the coast of Palestine, the plains of Italy, the snows of Russia, the fields of Austria, Prussia, Spain, all Europe, sent forth uncoffined hosts to bear testimony against the glory of their chief. Never before, in the name of humanity and freedom, was grand offender arraigned by such a voice. The sentence of degradation which Channing has passed, confirmed by coming generations, will darken the name of the warrior more than any defeat of his arms or compelled abdication of his power.

These causes Channing upheld and commended with

admirable eloquence, both of tongue and pen. Though abounding in beauty of thought and expression, he will be judged less by single passages, sentences, or phrases, than by the continuous and harmonious treatment of his subject. And yet everywhere the same spirit is discerned. What he said was an effluence rather than a composition. His style was not formal or architectural in shape or proportion, but natural and flowing. Others seem to construct, to build; he bears us forward on an unbroken stream. If we seek a parallel for him as writer, we must turn our backs upon England, and repair to France. Meditating on the glowing thought of Pascal, the persuasive sweetness of Fénelon, the constant and comprehensive benevolence of the Abbé Saint Pierre, we may be reminded of Channing.

With few of the physical attributes belonging to the orator, he was an orator of surpassing grace. His soul tabernacled in a body that was little more than a filament of clay. He was small in stature; but when he spoke, his person seemed to dilate with the majesty of his thoughts,—as the Hercules of Lysippus, a marvel of ancient art, though not more than a foot in height, revived in the mind the superhuman strength which overcame the Nemean lion: —

> "Deus ille, Deus; seseque videndum
> Indulsit, Lysippe, tibi, *parvusque videri*
> *Sentirique ingens.*" [1]

His voice was soft and musical, not loud or full in tone; and yet, like conscience, it made itself heard in the inmost chambers of the soul. His eloquence was gentleness and persuasion, reasoning for religion, hu-

[1] Statius, Silv., Lib. IV. Carm. 6.

manity, and justice. He did not thunder or lighten. The rude elemental forces furnish no proper image of his power. Like sunshine, his words descended upon the souls of his hearers, and under their genial influence the hard in heart were softened, while the closely hugged mantle of prejudice and error dropped to the earth.

His eloquence had not the character and fashion of forensic effort or parliamentary debate. It mounted above these, into an atmosphere unattempted by the applauded orators of the world. Whenever he spoke or wrote, it was with loftiest purpose, as his works attest, — not for public display, not to advance himself, not on any question of pecuniary interest, not under any worldly temptation, but to promote the love of God and man. Here are untried founts of truest inspiration. Eloquence has been called *action;* but it is something more. It is that divine and ceaseless energy which saves and helps mankind. It cannot assume its highest form in personal pursuit of dishonest guardians, or selfish contention for a crown, — not in defence of a murderer, or invective hurled at a conspirator. I would not overstep the proper modesty of this discussion, nor would I disparage the genius of the great masters; but all must join in admitting that no rhetorical skill or oratorical power can elevate these lower, earthly things to the natural heights on which Channing stood, when he pleaded for Freedom and Peace.

Such was our Philanthropist. Advancing in life, his enthusiasm seemed to brighten, his soul put forth fresh blossoms of hope, his mind opened to new truths. Age brings experience; but, except in a few constitutions of rare felicity, it renders the mind indifferent to what is

new, particularly in moral truth. His last months were passed amid the heights of Berkshire, with a people to whom may be applied what Bentivoglio said of Switzerland, — "Their mountains become them, and they become their mountains." To them, on the 1st of August, 1842, he volunteered an Anniversary Address, in commemoration of that great English victory, — the peaceful emancipation of eight hundred thousand slaves. These were the last public words from his lips. His final benediction descended on the slave. His spirit, taking flight, seemed to say, — nay, still says, *Remember the Slave.*

Thus have I attempted, humbly and affectionately, to bring before you the images of our departed brothers, while I dwelt on the great causes in which their lives were revealed. Servants of Knowledge, Justice, Beauty, Love, they have ascended to the great Source of Knowledge, Justice, Beauty, Love. Though dead, they yet speak, informing the understanding, strengthening the sense of justice, refining the tastes, enlarging the sympathies. The body dies; but the page of the Scholar, the interpretation of the Jurist, the creation of the Artist, the beneficence of the Philanthropist cannot die.

I have dwelt upon their lives and characters, less in grief for what we have lost than in gratitude for what we possessed so long, and still retain, in their precious example. Proudly recollecting her departed children, Alma Mater may well exclaim, in those touching words of parental grief, that she would not give her dead sons for any living sons in Christendom. Pickering, Story, Allston, Channing! A grand Quaternion!

Each, in his peculiar sphere, was foremost in his country. Each might have said, what the modesty of Demosthenes did not forbid him to boast, that, through him, his country had been crowned abroad. Their labors were wide as Scholarship, Jurisprudence, Art, Humanity, and have found acceptance wherever these are recognized.

Their lives, which overflow with instruction, teach one persuasive lesson to all alike of every calling and pursuit, — *not to live for ourselves alone.* They lived for Knowledge, Justice, Beauty, Love. Turning from the strifes of the world, the allurements of office, and the rage for gain, they consecrated themselves to the pursuit of excellence, and each, in his own sphere, to beneficent labor. They were all philanthropists; for the labors of all were directed to the welfare and happiness of man.

In their presence, how truly do we feel the insignificance of office and wealth, which men so hotly pursue! What is office? and what is wealth? Expressions and representatives of what is present and fleeting only, investing the possessor with a brief and local regard. Let this not be exaggerated; it must not be confounded with the serene fame which is the reflection of generous labors in great causes. The street lights, within the circle of their nightly glimmer, seem to outshine the distant stars, observed of men in all lands and times; but gas-lamps are not to be mistaken for celestial luminaries. They who live for wealth, and the things of this world, follow shadows, neglecting realities eternal on earth and in heaven. After the perturbations of life, all its accumulated possessions must be resigned, except those only which have been devoted to God and

mankind. What we do for *ourselves* perishes with this mortal dust; what we do for *others* lives coeval with the benefaction. Worms may destroy the body, but they will not consume such a fame.

Struggles of the selfish crowd, clamors of a false patriotism, suggestions of a sordid ambition, cannot obscure that commanding duty which enjoins perpetual labor for the welfare of the whole human family, without distinction of country, color, or race. In this work, Knowledge, Jurisprudence, Art, Humanity, all are blessed ministers. More puissant than the sword, they will lead mankind from the bondage of error into that service which alone is freedom: —

"Hæ tibi erunt artes, *pacisque imponere morem.*"[1]

The brothers we commemorate join in summons to this gladsome obedience. Their examples have voice. Go forth into the many mansions of the house of life. Scholar! store them with learning. Jurist! strengthen them with justice. Artist! adorn them with beauty. Philanthropist! fill them with love. Be servants of truth, each in his vocation, — sincere, pure, earnest, enthusiastic. A virtuous enthusiasm is self-forgetful and noble. It is the grand inspiration yet vouchsafed to man. Like Pickering, blend humility with learning. Like Story, ascend above the present, in place and time. Like Allston, regard fame only as the eternal shadow of excellence. Like Channing, plead for the good of man. Cultivate alike the wisdom of experience and the wisdom of hope. Mindful of the

[1] Æneid, VI. 852. — Dryden, translating this passage, gives distinctness to a duty beyond the language of Virgil: —

"*The fettered slave to free,*
These are imperial arts, and worthy thee."

future, do not neglect the past; awed by the majesty of antiquity, turn not with indifference from the new. True wisdom looks to the ages before, as well as behind. Like the Janus of the Capitol, one front regards the past, rich with experience, with memories, with priceless traditions of virtue; the other is directed to the All Hail Hereafter, richer still with transcendent hopes and unfulfilled prophecies.

We stand on the threshold of a new age, which is preparing to recognize new influences. The ancient divinities of Violence and Wrong are retreating before the light of a better day. The sun is entering a new ecliptic, no longer deformed by those images of animal rage, Taurus, Leo, Scorpio, Sagittarius, but beaming with the mild radiance of those heavenly signs, Faith, Hope, and Charity.

"There 's a fount about to stream,
There 's a light about to beam,
There 's a warmth about to glow,
There 's a flower about to blow,
There 's a midnight blackness changing
Into gray:
Men of thought, and men of action,
Clear the way!

"Aid the dawning, tongue and pen!
Aid it, hopes of honest men!
Aid it, paper! aid it, type!
Aid it, for the hour is ripe,
And our earnest must not slacken
Into play:
Men of thought, and men of action,
Clear the way!"

The age of Chivalry is gone. An age of Humanity has come. The Horse, whose importance, more than human, gave its name to that early period of gallantry and war, now yields the foremost place to Man. In serving

him, in studying his elevation, in helping his welfare, in doing him good, are fields of bloodless triumph, nobler far than any in which Bayard or Du Guesclin conquered. Here are spaces of labor, wide as the world, lofty as heaven. Let me say, then, in the benison once bestowed upon the youthful knight, — Scholar! Jurist! Artist! Philanthropist! hero of a Christian age, companion of a celestial knighthood, "Go forth, be brave, loyal, and successful!"

And may it be our office to light a fresh beacon-fire on the venerable walls of Harvard, sacred to Truth, to Christ, and to the Church,[1] — to Truth Immortal, to Christ the Comforter, to the Holy Church Universal. Let the flame pass from steeple to steeple, from hill to hill, from island to island, from continent to continent, till the long lineage of fires illumine all the nations of the earth, animating them to the holy contests of KNOWLEDGE, JUSTICE, BEAUTY, LOVE!

[1] The legend on the early seal of Harvard University was *Veritas*. The present legend is *Christo et Ecclesiæ*.

ANTISLAVERY DUTIES OF THE WHIG PARTY.

Speech at the Whig State Convention of Massachusetts, in Faneuil Hall, Boston, September 23, 1846.

The Convention was organized by the appointment of Hon. Charles Hudson, of Westminster, President, — Nathan Appleton, of Boston, Stephen C. Phillips, of Salem, Amos Abbott, of Andover, Samuel Hoar, of Concord, Thomas Kinnicutt, of Worcester, Isaac King, of Palmer, E. R. Coit, of Pittsfield, A. Richards, of Dedham, Artemas Hale, of Bridgewater, and Aaron Mitchell, of Nantucket, Vice-Presidents, — and F. W. Lincoln, Jr., of Boston, William S. Robinson, of Lowell, George Marston, of Barnstable, and E. G. Bowdoin, of South Hadley, Secretaries.

After the appointment of a committee to report resolutions, and its withdrawal for this purpose, there was a call for Mr. Sumner, who came forward and spoke. This incident was described by the *Daily Advertiser*, in its account of the proceedings, as follows.

"After this committee had gone out, Charles Sumner, Esq., of this city, in response to a general call, took the stand and made a very eloquent speech, which was received with sympathy and repeated bursts of applause. . . . . An allusion which he made to Daniel Webster in terms of the highest admiration, and an appeal to him to add to his title of *Defender of the Constitution* that of *Defender of Freedom* [*Humanity*], was received with great applause."

Mr. Winthrop, at the call of the Convention, spoke immediately after Mr. Sumner.

As Mr. Sumner stepped from the platform, Mr. Appleton, one of the Vice-Presidents, said to him, "A good speech for Virginia, but out of place here"; to which Mr. Sumner replied, "If good for Virginia, it is good for Boston, as we have our responsibilities for Slavery." This incident is mentioned as opening briefly the practical issue made by many with regard to the discussion of Slavery at the North.

Mr. President and Fellow-Citizens, Whigs of Massachusetts : —

GRATEFUL for the honor done me in this early call to address the Convention, I shall endeavor to speak with sincerity and frankness on the duties of the Whig party. It is of Duties that I shall speak.

On the first notice that our meeting was to be in Boston, many were disposed to regret that the country was not selected instead, believing that the opinions of the country, free as its bracing air, more than those of Boston, were in harmony with the tone becoming us at the present crisis. In the country is the spirit of freedom, in the city the spirit of commerce ; and though these two spirits may at times act in admirable conjunction and with irresistible strength, yet it sometimes occurs that the generous and unselfish impulses of the one are checked and controlled by the careful calculations of the other. Even Right and Liberty are, in some minds, of less significance than dividends and dollars.

But I am happy that the Convention is convoked in Faneuil Hall, — a place vocal with inspiring accents ; and though on other occasions words have been uttered here which the lover of morals, of freedom, and humanity must regret, these walls, faithful only to Freedom, refuse to echo them. Whigs of Massachusetts, in Faneuil Hall assembled, must be true to this early scene of patriot struggles ; they must be true to their own name, which has descended from the brave men who took part in those struggles.

We are a Convention of Whigs. And who are the Whigs ? Some may say they are supporters of the Tariff ; others, that they are advocates of Internal Improvements,

of measures to restrict the Veto Power, or it may be of a Bank. All these are now, or have been, prominent articles of the party. But this enumeration does not do justice to the Whig character.

The Whigs, as their name imports, are, or ought to be, the party of Freedom. They seek, or should seek, on all occasions, to carry out fully and practically the principles of our institutions. Those principles which our fathers declared, and sealed with their blood, their Whig children should seek to manifest in acts. The Whigs, therefore, reverence the Declaration of Independence, as embodying the vital truths of Freedom, especially that great truth, "that all men are created equal." They reverence the Constitution of the United States, and seek to guard it against infractions, believing that under the Constitution Freedom can be best preserved. They reverence the Union, believing that the peace, happiness, and welfare of all depend upon this blessed bond. They reverence the public faith, and require that it shall be punctiliously kept in all laws, charters, and obligations. They reverence the principles of morality, truth, justice, right. They seek to advance their country rather than individuals, and to promote the welfare of the people rather than of leaders. A member of such an association, founded on the highest moral sentiments, recognizing conscience and benevolence as animating ideas, is not open to the accusation that he "to party gave up what was meant for mankind," — since all the interests of the party must be coincident and commensurate with the manifold interests of humanity.

Such is, as I trust, the Whig party of Massachusetts. It refuses to identify itself exclusively with those measures of transient policy which, like the Bank, may be-

come "obsolete ideas," but connects itself with everlasting principles which can never fade or decay. Doing this, it does not neglect other things, as the Tariff, or Internal Improvements; but it treats them as subordinate. Far less does it show indifference to the Constitution or the Union; for it seeks to render these guardians and representatives of the principles to which we are attached.

The Whigs have been called by you, Mr. President, *conservatives*. In a just sense, they should be conservatives, — not of forms only, but of substance, — not of the letter only, but of the living spirit. The Whigs should be conservators of the ancestral spirit, conservators of the animating ideas in which our institutions were born. They should profess that truest and highest conservatism which watches, guards, and preserves the great principles of Truth, Right, Freedom, and Humanity. Such a conservatism is not narrow and exclusive, but broad and expansive. It is not trivial and bigoted, but manly and generous. It is the conservatism of '76.

Let me say, then, that the Whigs of Massachusetts are — I hope it is not my wish only that is father to the thought — the party which seeks the establishment of Truth, Freedom, Right, and Humanity, under the Constitution of the United States, and by the Union of the States. They are Unionists, Constitutionalists, Friends of the Right.

The question here arises, How shall this party, inspired by these principles, now act? The answer is easy. In strict accordance with their principles. It must utter them with distinctness, and act upon them with energy.

The party will naturally express opposition to the present Administration for its treacherous course on

the tariff, and for its interference by veto with internal improvements; but it will be more alive to evils of greater magnitude, — the unjust and unchristian war with Mexico, which is not less absurd than wicked, and, beyond this, the institution of Slavery.

The time, I believe, has gone by, when the question is asked, *What has the North to do with Slavery?* It might almost be answered, that, politically, it has little to do with anything else, — so are all the acts of our Government connected, directly or indirectly, with this institution. Slavery is everywhere. Appealing to the Constitution, it enters the Halls of Congress, in the disproportionate representation of the Slave States. It holds its disgusting mart at Washington, in the shadow of the Capitol, under the legislative jurisdiction of the Nation, — of the North as well as the South. It sends its miserable victims over the high seas, from the ports of Virginia to the ports of Louisiana, beneath the protecting flag of the Republic. It presumes to follow into the Free States those fugitives who, filled with the inspiration of Freedom, seek our altars for safety; nay, more, with profane hands it seizes those who have never known the name of slave, freemen of the North, and dooms them to irremediable bondage. It insults and expels from its jurisdiction honored representatives of Massachusetts, seeking to secure for her colored citizens the peaceful safeguard of the Union. It assumes at pleasure to build up new slaveholding States, striving perpetually to widen its area, while professing to extend the area of Freedom. It has brought upon the country war with Mexico, with its enormous expenditures and more enormous guilt. By the spirit of union among its supporters, it controls the affairs of

Government, — interferes with the cherished interests of the North, enforcing and then refusing protection to her manufactures, — makes and unmakes Presidents, — usurps to itself the larger portion of all offices of honor and profit, both in the army and navy, and also in the civil department, — and stamps upon our whole country the character, before the world, of that monstrous anomaly and mockery, *a slaveholding republic*, with the living truths of Freedom on its lips and the dark mark of Slavery on its brow.

In opposition to Slavery, Massachusetts has already, to a certain extent, done what becomes her character as a free Commonwealth. By successive resolutions of her Legislature, she has called for the abolition of slavery in the District of Columbia, and for the abolition of the slave-trade between the States; and she has also proposed an amendment of the Constitution, putting the South upon an equality with the North in Congressional representation. More than this, her judiciary, always pure, fearless, and upright, has inflicted upon Slavery the brand of reprobation. I but recall a familiar fact, when I refer to the opinion of the Supreme Court of Massachusetts, where it is expressly declared that "slavery is contrary to natural right, to the principles of justice, humanity, and sound policy." [1] This is the law of Massachusetts.

And shall this Commonwealth continue in any way to sustain an institution which its laws declare to be contrary to natural right, justice, humanity, and sound policy? Shall Whigs support what is contrary to the fundamental principles of the party? Here the consciences of good men respond to the judgment of the

[1] 18 Pick. Rep. 215.

Court. If it be wrong to hold a single slave, it must be wrong to hold many. If it be wrong for an individual to hold a slave, it must be wrong for a State. If it be wrong for a State in its individual capacity, it must be wrong also in association with other States. Massachusetts does not allow any of her citizens within her borders to hold slaves. Let her be consistent, and call for the abolition of slavery wherever she is any way responsible for it, not only where she is a party to it, but wherever it may be reached by her influence, — that is, everywhere beneath the Constitution and laws of the National Government. "If any practices exist," said Mr. Webster, in one of those earlier efforts which commended him to our admiration, his Discourse at Plymouth in 1820, — "if any practices exist contrary to the principles of justice and humanity, within the reach of our laws or our influence, *we are inexcusable, if we do not exert ourselves to restrain and abolish them.*"[1] This is correct, worthy of its author, and of Massachusetts. It points directly to Massachusetts as inexcusable for not doing her best to restrain and abolish slavery everywhere within the reach of her laws or her influence.

Certainly, to labor in this cause is far higher and nobler than to strive for *repeal of the Tariff*, once the tocsin to rally the Whigs. REPEAL OF SLAVERY UNDER THE CONSTITUTION AND LAWS OF THE NATIONAL GOVERNMENT is a watchword more Christian and more potent, because it embodies a higher sentiment and a more commanding duty.

The time has passed when this can be opposed on constitutional grounds. It will not be questioned by any competent authority, that Congress may, by express

[1] Works, Vol. I. p. 45.

legislation, abolish slavery: first, in the District of Columbia; secondly, in the Territories, if there should be any; thirdly, that it may abolish the slave-trade on the high seas between the States; fourthly, that it may refuse to admit new States with a constitution sanctioning slavery. Nor can it be questioned that the people of the United States may, in the manner pointed out by the Constitution, proceed to its amendment. It is, then, by constitutional legislation, and even by amendment of the Constitution, that slavery may be reached.

Here the question arises, Is there any *compromise* in the Constitution of such a character as to prevent action? This word is invoked by many honest minds as the excuse for not joining in this cause. Let me meet this question frankly and fairly. The Constitution, it is said, was the result of compromise between the Free States and the Slave States, which good faith will not allow us to break. To this it may be replied, that the Slave States, by their many violations of the Constitution, have already overturned all the original compromises, if any there were of perpetual character. But I do not content myself with this answer. I wish to say, distinctly, that there is no compromise on slavery not to be reached *legally and constitutionally*, which is the only way in which I propose to reach it. Wherever powers and jurisdiction are secured to Congress, they may unquestionably be exercised in conformity with the Constitution; even in matters beyond existing powers and jurisdiction there is a constitutional method of action. The Constitution contains an article pointing out how, at any time, amendments may be made. This is an important element, giving to the Constitution a *progressive* character, and allowing it to be moulded

according to new exigencies and conditions of feeling. The wise framers of this instrument did not treat the country as a Chinese foot, — never to grow after its infancy, — but anticipated the changes incident to its advance. "*Provided*, that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article, and that no State, without its consent, shall be deprived of its equal suffrage in the Senate." These are the words of the Constitution. They expressly designate what shall be sacred from amendment, — what compromise shall be perpetual, — and so doing, according to a familiar rule of law and of logic, virtually declare that the remainder of the Constitution may be amended. Already, since its adoption, twelve amendments have been made, and every year produces new projects. There has been a pressure on the floor of Congress to abrogate the veto, and also to limit the tenure of the Presidential office. Let it be distinctly understood, then, — and this is my answer to the pretension of binding compromise, — that, in conferring upon Congress certain specified powers and jurisdiction, and also in providing for the amendment of the Constitution, its framers expressly established the means for setting aside what are vaguely called compromises of the Constitution. They openly declare, "Legislate as you please, in conformity with the Constitution; and even make amendments rendered proper by change of opinion or circumstances, following always the manner prescribed."

Nor can we dishonor the revered authors of the Constitution by supposing that they set their hands to it, believing that under it slavery was to be *perpetual*,

— that the Republic, which they had reared to its giant stature, snatched from heaven the sacred fire of Freedom, only to be bound, like another Prometheus, in adamantine chains of Fate, while Slavery, like another vulture, preyed upon its vitals. Let Franklin speak for them. He was President of the earliest Abolition Society in the United States, and in 1790, only two years after the adoption of the Constitution, addressed a petition to Congress, calling upon them to "step to the very verge of the power vested in them for discouraging every species of traffic in the persons of our fellow-men."[1] Let Jefferson speak for them. His desire for the abolition of slavery was often expressed with philanthropic warmth and emphasis, and is too familiar to be quoted. Let Washington speak for them. "It is among my first wishes," he said, in a letter to John F. Mercer, "to see some plan adopted by which slavery in this country *may be abolished by law*."[2] And in his will, penned with his own hand, during the last year of his life, he bore his testimony again, by providing for the emancipation of all his slaves. It is thus that Washington speaks, not only by words, but by actions more significant: "Give freedom to your slaves." The Father of his Country requires, as a token of the filial piety which all profess, that his example shall be followed. I am not insensible to the many glories of his character; but I cannot contemplate this act without a fresh feeling of admiration and gratitude. The martial scene depicted on that votive canvas may fade from the memory of men; but this act of justice and benevolence can never perish.

"Ergo postque magisque viri nunc gloria claret."

[1] Annals of Congress, First Congress, Second Session, col. 1198.
[2] Sparks's Writings of Washington, Vol. IX. p. 159, note.

I assume, then, that it is the duty of Whigs professing the principles of the fathers to express themselves openly, distinctly, and solemnly against slavery, — *not only against its further extension, but against its longer continuance under the Constitution and Laws of the Union.* But while it is their duty to enter upon this holy warfare, it should be their aim to temper it with moderation, with gentleness, with tenderness, towards slave-owners. These should be won, if possible, rather than driven, to the duties of emancipation. But emancipation should always be presented as the cardinal object of our national policy.

It is for the Whigs of Massachusetts now to say whether the republican edifice shall indeed be one where all the Christian virtues will be fellow-workers with them. The resolutions which they adopt, the platform of principles which they establish, must be the imperishable foundation of a true glory.

But it will not be sufficient to pass *resolutions* opposing slavery; we must choose *men* who will devote themselves earnestly, heartily, to the work, — who will enter upon it with awakened conscience, and with that valiant faith before which all obstacles disappear, — who will be ever loyal to Truth, Freedom, Right, Humanity, — who will not look for rules of conduct down to earth, in the mire of expediency, but with heaven-directed countenance seek those great "primal duties" which "shine aloft like stars," to illumine alike the path of individuals and of nations. They must be true to the principles of Massachusetts. They must not be Northern men with Southern principles, nor Northern men under Southern influences. They must be courageous and willing on all occasions to stand alone, provided Right

be with them. "Were there as many devils in Worms as there are tiles upon the roofs," said Martin Luther, "yet would I enter." Such a spirit is needed now by the advocates of Right. They must not be ashamed of the name which belongs to Franklin, Jefferson, and Washington, — expressing the idea which should be theirs, — Abolitionist. They must be thorough, uncompromising advocates of the repeal of slavery, — of its abolition under the laws and Constitution of the United States. They must be Repealers, Abolitionists.

There are a few such now in Congress. Massachusetts has a venerable Representative,[1] whose aged bosom still glows with inextinguishable fires, like the central heats of the monarch mountain of the Andes beneath its canopy of snow. To this cause he dedicates the closing energies of a long and illustrious life. Would that all might join him!

There is a Senator of Massachusetts we had hoped to welcome here to-day, whose position is of commanding influence. Let me address him with the respectful frankness of a constituent and friend. Already, Sir, by various labors, you have acquired an honorable place in the history of our country. By the vigor, argumentation, and eloquence with which you upheld the Union, and that interpretation of the Constitution which makes us a Nation, you have justly earned the title of *Defender of the Constitution.* By masterly and successful negotiation, and by efforts to compose the strife concerning Oregon, you have earned another title, — *Defender of Peace.* Pardon me, if I add, that there are yet other duties claiming your care, whose performance will be the crown of a long life in the public service. Do

[1] John Quincy Adams.

not forget them. Dedicate, Sir, the years happily in store for you, with all that precious experience which is yours, to grand endeavor, in the name of Human Freedom, for the overthrow of that terrible evil which now afflicts our country. In this cause are inspirations to eloquence higher than any you have yet confessed.

"To heavenly themes sublimer strains belong."

Do not shrink from the task. With the marvellous powers that are yours, under the auspicious influences of an awakened public sentiment, and under God, who smiles always upon conscientious labor for the welfare of man, we may hope for beneficent results. Assume, then, these unperformed duties. The aged shall bear witness to you; the young shall kindle with rapture, as they repeat the name of Webster; the large company of the ransomed shall teach their children and their children's children, to the latest generation, to call you blessed; and you shall have yet another title, never to be forgotten on earth or in heaven, — *Defender of Humanity,* — by the side of which that earlier title will fade into insignificance, as the Constitution, which is the work of mortal hands, dwindles by the side of Man, created in the image of God.[1]

To my mind it is clear that the time has arrived when the Whigs of Massachusetts, the party of Freedom, owe it to their declared principles, to their character before the world, and to conscience, that they should place themselves firmly on this honest ground. They need not fear to stand alone. They need not fear separation from brethren with whom they have acted in concert. Better be separated even from them than from

[1] How Mr. Webster regarded this appeal will be seen in a letter from him at the end of the Speech.

the Right. Massachusetts can stand alone, if need be. The Whigs of Massachusetts can stand alone. Their motto should not be, "Our party, *howsoever bounded*," but "Our party, bounded always by the Right." They must recognize the dominion of Right, or there will be none who will recognize the dominion of the party. Let us, then, in Faneuil Hall, beneath the images of our fathers, vow perpetual allegiance to the Right, and perpetual hostility to Slavery. Ours is a noble cause, nobler even than that of our fathers, inasmuch as it is more exalted to struggle for the freedom of *others* than for *our own*. The love of Right, which is the animating impulse of our movement, is higher even than the love of Freedom. But Right, Freedom, and Humanity all concur in demanding the Abolition of Slavery.

LETTER OF MR. WEBSTER TO MR. SUMNER.

MARSHFIELD, October 5, 1846.

MY DEAR SIR, — I had the pleasure to receive yours of September 25th, and thank you for the kind and friendly sentiments which you express. These sentiments are reciprocal. I have ever cherished high respect for your character and talents, and seen with pleasure the promise of your future and greater eminence and usefulness.

In political affairs we happen to entertain, at the present moment, a difference of opinion respecting the relative importance of some of the political questions of the time, and take a different view of the line of duty most fit to be pursued in endeavors to obtain all the good which can be obtained in connection with certain important subjects. These differences I much regret, but shall not allow them to interfere with personal regard, or my continued good wishes for your prosperity and happiness.

Yours truly,

DANIEL WEBSTER.

MR. SUMNER.

WRONGFUL DECLARATION OF WAR AGAINST MEXICO.

LETTER TO HON. ROBERT C. WINTHROP, REPRESENTATIVE IN CONGRESS FROM BOSTON, OCTOBER 25, 1846.

SIR, — Newspapers, and some among your friends, complain of the manner in which many of your constituents are obliged to regard your vote on the Mexican War Bill. This vote is defended with an ardor such as even Truth, Freedom, and Right do not always find in their behalf, — while honest strictures are attributed to personal motives, sometimes to a selfish desire for the place you now hold, sometimes even to a wanton purpose to injure you.

All this may be the natural and inevitable incident of political controversy; but it must be regretted that personal feelings and imputations of personal selfishness should intrude into the discussion of an important question of public duty, — I might say, of public morals. As a Whig, never failing to vote for you when I had an opportunity, I have felt it proper on other occasions to review your course, and to express the sorrow it caused. For this I am arraigned; and the question of public morals is forgotten in personal feeling. This is my excuse for recalling attention now to the true issue. Conscious of no feeling to yourself personally, except of good-will, mingled with the recollection of pleasant social inter-

course, I refer with pain to your vote, and the apologies for it which have been set up. As one of your constituents, I single you, who are the representative of Boston, among the majority with whom you acted. I am not a politician; and you will pardon me, therefore, if I do not bring your conduct to any test of party or of numbers, to any sliding scale of expediency, to any standard except the rule of Right and Wrong.

To understand your course, it will be necessary to consider the action of Congress in declaring war against Mexico. I shall state the facts and conclusions briefly as possible.

By virtue of an unconstitutional Act of Congress, in conjunction with the *de facto* government of Texas, the latter was annexed to the United States some time in the month of December, 1845. If we regard Texas as a province of Mexico, its boundaries must be sought in the geography of that republic. If we regard it as an independent State, they must be determined by the extent of jurisdiction which the State was able to maintain. Now it seems clear that the river Nueces was always recognized by Mexico as the western boundary; and it is undisputed that the State of Texas, since its Declaration of Independence, never exercised any jurisdiction beyond the Nueces. The Act of Annexation could not, therefore, transfer to the United States any title to the region between the Nueces and the Rio Grande. That region belonged to Mexico. *Certainly* it did not belong to the United States.

In the month of January, 1846, the President of the United States directed the troops under General Taylor, called the Army of Occupation, to take possession of this region. Here was an act of aggression. As might have

been expected, it produced collision. The Mexicans, aroused in self-defence, sought to repel the invaders from their hearths and churches. Unexpected tidings reached Washington that the American forces were in danger. The President, in a message to Congress, called for succors.

Here the question occurs, What was the duty of Congress in this emergency? Clearly to withhold all sanction to unjust war, — to aggression upon a neighboring Republic, — to spoliation of fellow-men. Our troops were in danger only because upon foreign soil, forcibly displacing the jurisdiction and laws of the rightful government. In this condition of things, the way of safety, just and honorable, was by instant withdrawal from the Rio Grande to the Nueces. Congress should have spoken like Washington, when General Braddock, staggered by the peril of the moment, asked the youthful soldier, "What shall I do, Colonel Washington?" "RETREAT, Sir! RETREAT, Sir!" was the earnest reply. The American forces should have been directed to *retreat,* — not from any human force, but from *wrong-doing;* and this would have been a true victory.

Alas! this was not the mood of Congress. With wicked speed a bill was introduced, furnishing large and unusual supplies of men and money. In any just sense, such provision was wasteful and unnecessary; but it would hardly be worthy of criticism, if confined in its object to the safety of the troops. When made, it must have been known that the fate of the troops was already decided, while the magnitude of the appropriations and the number of volunteers called for showed that measures were contemplated *beyond self-defence.* Self-defence is easy and cheap. Aggression and injustice are difficult and costly.

The bill, in its earliest guise, provided money and volunteers only. Suddenly an amendment is introduced, in the nature of a preamble, which gives to it *another character*, in harmony with the covert design of the large appropriation. This was adopted by a vote of 123 to 67; and the bill then leaped forth, fully armed, as a measure of open and active hostility against Mexico. As such, it was passed by a vote of 174 to 14. This was on the 11th of May, 1846, destined to be among the dark days of our history.

The amendment, in the nature of a preamble, and the important part of the bill, are as follows.

"*Whereas, by the act of the Republic of Mexico, a state of war exists between that Government and the United States,* —

"Be it enacted, &c., *That, for the purpose of enabling the Government of the United States to prosecute said war to a speedy and successful termination*, the President be, and he is hereby, authorized to employ the militia, naval, and military forces of the United States, and to call for and accept the services of any number of volunteers, not exceeding fifty thousand, and that the sum of ten millions of dollars be, and the same is hereby, appropriated for the purpose."

This Act cannot be regarded merely as provision for the safety of General Taylor; nor, indeed can this be considered the principal end proposed. It has other and ulterior objects, broader and more general, in view of which his safety, important as it might be, is of comparative insignificance; as it would be less mournful to lose a whole army than lend the solemn sanction of legislation to an unjust war.

This Act may be considered in six different aspects. It is six times wrong. Six different and unanswerable reasons should have urged its rejection. Six different

appeals should have touched every heart. I shall consider them separately.

First. It is practically a DECLARATION OF WAR against a sister Republic. By the Constitution of the United States, the power of declaring war is vested in Congress. Before this Act was passed, the Mexican War had no legislative sanction. Without this Act it could have no legislative sanction. *By virtue of this Act* the present war is waged. *By virtue of this Act,* an American fleet, at immense cost of money, and without any gain of character, is now disturbing the commerce of Mexico, and of the civilized world, by the blockade of Vera Cruz. *By virtue of this Act,* a distant expedition, with pilfering rapacity, has seized the defenceless province of California. *By virtue of this Act* General Kearney has marched upon and captured Santa Fe. *By virtue of this Act* General Taylor has perpetrated the massacre at Monterey. *By virtue of this Act* desolation has been carried into a thousand homes, while the uncoffined bodies of sons, brothers, and husbands are consigned to premature graves. Lastly, it is *by virtue of this Act* that the army of the United States has been converted into a *legalized band* of brigands, marauders, and banditti, against the sanctions of civilization, justice, and humanity. American soldiers, who have fallen wretchedly in the streets of a foreign city, in the attack upon a *Bishop's* palace, in contest with Christian fellow-men defending firesides and altars, may claim the epitaph of Simonides: "Go, tell the Lacedæmonians that we lie here in obedience to their commands." It was in obedience to this Act of Congress that they laid down their lives.

Secondly. This Act gives the sanction of Congress to an *unjust* war. War is barbarous and brutal; but this

is unjust. It grows out of aggression on our part, and is continued by aggression. The statement of facts already made is sufficient on this head.

Thirdly. It declares that war exists "*by the act of the Republic of Mexico.*" This statement of brazen falsehood is inserted in the front of the Act. But it is now admitted by most, if not all, of the Whigs who unhappily voted for it, that it is not founded in fact. It is a national lie.

> "Whose tongue soe'er speaks false
> Not truly speaks; *who speaks not truly* LIES."

Fourthly. It provides for the prosecution of the war "*to a speedy and successful termination,*" — that is, for the speedy and successful prosecution of *unjust* war. Surely no rule can be better founded in morals than that we should seek the establishment of *right.* How, then, can we strive to hasten the triumph of wrong?

Fifthly. The war has its origin in a series of measures to extend and perpetuate slavery. A wise and humane legislator should have discerned its source, and found fresh impulses to oppose it.

Sixthly. The war is dishonorable and cowardly, as the attack of a rich, powerful, numerous, and united republic upon a weak and defenceless neighbor, distracted by civil feud. Every consideration of honor, manliness, and Christian duty prompted gentleness and forbearance towards our unfortunate sister.

Such, Sir, is the Act of Congress which received your sanction. Hardly does it yield in importance to any measure of our Government since the adoption of the National Constitution. It is the most wicked in our history, as it is one of the most wicked in all history. The recording Muse will drop a tear over its turpitude

and injustice, while it is gibbeted for the disgust and reprobation of mankind.

Such, Sir, is the Act of Congress to which by your affirmative vote the people of Boston are made parties. Through *you* they are made *to declare unjust and cowardly war, with superadded falsehood, in the cause of Slavery.* Through *you* they are made partakers in the blockade of Vera Cruz, the seizure of California, the capture of Santa Fe, the bloodshed of Monterey. It were idle to suppose that the soldier or officer only is stained by this guilt. It reaches far back, and incarnadines the Halls of Congress; nay, more, through you, it reddens the hands of your constituents in Boston. Pardon this language. Strong as it may seem, it is weak to express the aggravation of this Act. Rather than lend your hand to this wickedness, you should have suffered the army of the United States to pass submissively through the Caudine Forks of Mexican power, — to perish, it might be, like the legions of Varus. Their bleached bones, in the distant valleys where they were waging unjust war, would not tell to posterity such a tale of ignominy as this lying Act of Congress.

Passing from the character and consequences of your vote, I proceed to examine the grounds on which it is vindicated: for it is vindicated, by yourself, and by some of your friends!

The first vindication, apology, or extenuation appears in your speech on the Tariff, delivered in the House of Representatives, June 25th. This was a deliberate effort, more than six weeks subsequent to the vote, and after all the disturbing influences of haste and surprise had passed. It may be considered, therefore, to express your own view of the ground on which it is to be sus-

tained. And here, while you declare, with commendable frankness, that you "would by no means be understood to vindicate the justice" (why not say the *truth?*) "of the declaration that war exists by the act of Mexico," yet you adhere to your vote, and animadvert upon the conduct of Mexico, in refusing to receive a minister instead of a commissioner, as if that were a vindication, apology, or extenuation! Do we live in a Christian land? Is this the nineteenth century? Does an American statesman venture any such suggestion in vindication, apology, or extenuation of war? On this point I join issue. By the Law of Nations as now enlightened by civilization, by the law of common sense, by the higher law of Christian duty, the fact presented in your vindication can form no ground of war. This attempt has given pain to many of your constituents hardly less than the original vote. It shows insensibility to the true character of war, and perverse adherence to the fatal act of wrong. It were possible to suppose a representative, not over-tenacious of moral purpose, shaken from his firm resolve by the ardors of a tyrannical majority ordaining wicked things; but it is less easy to imagine a deliberate vindication of the hasty wrong, when the pressure of the majority is removed, and time affords opportunity for the recovery of that sense of Right which was for a while overturned.

Another apology, in which you and your defenders participate, is founded on the alleged duty of voting succors to our troops, and the impossibility of doing this without voting also for the bill, after it was converted into a Declaration of Falsehood and of War. It is said that patriotism required this vote. Is not that name profaned by this apology? One of your honored predeces-

sors, Sir, a Representative of Boston on the floor of Congress, Mr. Quincy, replied to such apology, when, on an occasion of trial not unlike that through which you have just passed, he gave utterance to these noble words: —

"But it is said that this resolution must be taken as 'a test of Patriotism.' To this I have but one answer. If Patriotism ask me to assert a falsehood, I have no hesitation in telling Patriotism, 'I am not prepared to make that sacrifice.' The duty we owe to our country is, indeed, among the most solemn and impressive of all obligations; yet, high as it may be, it is nevertheless subordinate to that which we owe to that Being with whose name and character *truth* is identified. In this respect I deem myself acting upon this resolution under a higher responsibility than either to this House or to this people."[1]

These words were worthy of Boston. May her Representatives never more fail to feel their inspiration! "But," say the too swift defenders, "Mr. Winthrop voted against the falsehood *once*." Certainly no reason for not voting against it *always*. But the excuse is still pressed, "Succors to General Taylor should have been voted." The result shows that even these were unnecessary. Before the passage of this disastrous Act of Congress, his troops had already achieved a success to which may be applied the words of Milton: —

"That *dishonest* victory
At Chæronea, *fatal to liberty*."

But it would have been less wrong to leave him without succors, even if needful to his safety, than to vote falsehood and unjust war. In seeing that the republic received no detriment, you should not have regarded

[1] Speech on the Resolution concerning the Conduct of the British Minister, Dec. 28, 1809: Annals of Congress, Eleventh Congress, Second Session, col. 958.

the army only; *your highest care should have been that its good name, its moral and Christian character, received no detriment.* You might have said, in the spirit of virtuous Andrew Fletcher, that "you would lose your life to *serve* your country, but would not do a base thing to *save* it." You might have adopted the words of Sheridan, in the British Parliament, during our Revolution, that you "could not assent to a vote that seemed to imply a recognition or approbation of the war."[1]

Another apology is, that the *majority* of the Whig party joined with you,—or, as it has been expressed, that "Mr. Winthrop voted with all the rest of the weight of moral character in Congress, from the Free States, belonging to the Whig party, *not included in the Massachusetts delegation*"; and suggestions are made in disparagement of the *fourteen* who remained unshaken in loyalty to Truth and Peace. In the question of Right or Wrong, it is of little importance that a few fallible men, constituting what is called a majority, are all of one mind. Supple or insane majorities are found in every age to sanction injustice. It was a majority which passed the Stamp Act and Tea Tax,—which smiled upon the persecution of Galileo,—which stood about the stake of Servetus,—which administered the hemlock to Socrates,—which called for the crucifixion of our Lord. These majorities cannot make us hesitate to condemn such acts and their authors. Aloft on the throne of God, and not below in the footprints of a trampling multitude, are the sacred rules of Right, which no majorities can displace or overturn. And the question recurs, Was it *right* to declare unjust and cowardly war, with superadded falsehood, in the cause of Slavery?

[1] Speech, Nov. 27, 1780: Hansard, Parl. Hist., XXI. 905.

Thus do I set forth the character of your act, and the apologies by which it is shielded. I hoped that you would see the wrong, and with true magnanimity repair it. I hoped that your friends would all join in assisting you to recover the attitude of uprightness which becomes a Representative from Boston. But I am disappointed.

I add, that your course in other respects has been in disagreeable harmony with the vote on the Mexican War Bill. I cannot forget — for I sat by your side at the time — that on the Fourth of July, 1845, in Faneuil Hall, you extended the hand of fellowship to Texas, although this slaveholding community was not yet received among the States of the Union. I cannot forget the toast,[1] on the same occasion, by which you were willing to connect your name with an epigram of dishonest patriotism. I cannot forget your apathy at a later day, when many of your constituents engaged in constitutional efforts to oppose the admission of Texas *with a slaveholding constitution*, — so strangely inconsistent with your recent avowal of "uncompromising hostility to all measures for introducing new Slave States and new Slave Territories into our Union."[2] Nor can I forget the ardor with which you devoted yourself to the less important question of the Tariff, — indicating the relative value of the two in your mind. The vote on the Mexican War Bill seems to be the dark consummation of your course.

Pardon me, if I ask you, on resuming your seat in Congress, to testify *at once*, without hesitation or delay, against the further prosecution of this war. Forget

[1] "Our country, — however bounded, still our country, to be defended by all our hands."

[2] Speech at the Whig Convention in Faneuil Hall, Sept. 23, 1846.

for a while Sub-Treasury, Veto, even Tariff, and remember this wicked war. With the eloquence which you command so easily, and which is your pride, call for the instant cessation of hostilities. Let your cry be that of Falkland in the Civil Wars: "Peace! Peace!" Think not of what you call in your speeches "an *honorable* peace." There can be no peace with Mexico which will not be more honorable than this war. Every fresh victory is a fresh dishonor. "Unquestionably," you have strangely said, "we are not to forget that Mexico must be willing to negotiate."[1] No! no! Mr. Winthrop! We are not to wait for Mexico. Her consent is not needed; nor is it to be asked, while our armies are defiling her soil by their aggressive footsteps. She is *passive*. We alone are *active*. Stop the war. Withdraw our forces. In the words of Colonel Washington, RETREAT! RETREAT! So doing, we shall cease from further wrong, and peace will ensue.

Let me ask you to remember in your public course the rules of Right which you obey in private life. The principles of morals are the same for nations as for individuals. Pardon me, if I suggest that you have not acted invariably according to this truth. You would not in your private capacity set your name to a falsehood; but you have done so as Representative in Congress. You would not in your private capacity countenance wrong, even in friend or child; but as Representative you have pledged yourself "not to withhold your vote from any reasonable supplies which may be called for"[2] in the prosecution of a wicked war. Do by

[1] Speech at the Whig Convention, Sept. 23, 1846.

[2] Speech on the Tariff, June 25, 1846: Congressional Globe, Twenty-ninth Congress, First Session, p. 970.

your country as by friend or child. To neither of these would you furnish means of offence against a neighbor; do not furnish to your country any such means. Again, you would not hold slaves. I doubt not you would join with Mr. Palfrey in emancipating any who should become yours by inheritance or otherwise. But I do not hear of your effort or sympathy with those who seek to carry into our institutions that practical conscience which declares it to be as wrong in States as in individuals to sanction slavery.

Let me ask you still further — and you will know if there is reason for this request — to bear testimony against the Mexican War, and all supplies for its prosecution, regardless of the minority in which you are placed. Think, Sir, of the cause, and not of your associates. Forget for a while the tactics of party, and all its subtle combinations. Emancipate yourself from its close-woven web, spun as from a spider's belly, and move in the pathway of Right. Remember that you represent the conscience of Boston, the churches of the Puritans, the city of Channing.

Meanwhile a fresh election is at hand, and you are again a candidate for the suffrages of your fellow-citizens. I shall not anticipate their verdict. Your blameless private life and well-known attainments will receive the approbation of all; but more than one of your neighbors will be obliged to say, —

> "Cassio, I love thee,
> But nevermore be officer of mine!"

I am, Sir, your obedient servant,

CHARLES SUMNER.

OCTOBER 26, 1846.

REFUSAL TO BE A CANDIDATE FOR CONGRESS.

NOTICE IN THE BOSTON PAPERS, OCTOBER 31, 1846.

AFTER the appearance of Mr. Sumner's letter to Mr. Winthrop, there was a disposition with certain persons feeling strongly on Slavery and the Mexican War to seek a candidate against the latter. Mr. Sumner again and again refused to accept a nomination. Besides his constant unwillingness to enter into public life, he would not consent that his criticism of Mr. Winthrop should be weakened by the imputation of an unworthy desire for his place. In his absence from Boston, lecturing before Lyceums in Maine, a meeting of citizens was convened at the Tremont Temple on the evening of October 29, 1846, to make what was called an "independent nomination for Congress." The meeting was called to order by Dr. S. G. Howe, and organized by the choice of the following officers: Hon. Charles F. Adams, President, — J. P. Blanchard, Samuel May, George Merrill, Dr. Walter Channing, Dr. Henry I. Bowditch, and R. I. Attwill, Vice-Presidents, — Charles G. Davis and J. H. Frevert, Secretaries. A committee was appointed to draft resolutions and nominate a candidate. This committee, by its chairman, John A. Andrew, afterwards Governor of Massachusetts, reported an elaborate series of resolutions, setting forth reasons for a separate nomination, and concluding with a resolution in the following terms.

"*Resolved*, That we recommend to the citizens of this District as a candidate for Representative in the National Congress a man raised by his pure character above reproach, whose firmness, intelligence, distinguished ability, rational patriotism, manly independence, and glowing love of liberty and truth entitle him to the unbought confidence of his fellow-citizens, — CHARLES SUMNER, of Boston, — fitted to adorn any station, always found on the side of the Right, and especially worthy at the present crisis to represent the interests of the city and the cardinal principles of Truth, Justice, Liberty, and Peace, which have not yet died out from the hearts of her citizens."

Mr. Andrew followed the reading of the resolutions with a speech, in which he vindicated the position of Mr. Sumner as follows.

"Mr. President, I shall have done no adequate justice to the views of the committee, to this meeting, to the distinguished friend of Peace and Liberty to whose nomination this crowded assembly has with such gratifying and enthusiastic heartiness so unequivocally responded, nor, indeed, to my own feelings, until I shall have made a single statement of fact in regard to the attitude of Mr. Sumner himself towards the act we have just felt it our duty to perform.

"This nomination, grateful as it may be to his feelings, considered as an evidence of personal attachment and respect on the part of so many of his friends and fellow-citizens, will find him wholly unprepared for its reception; more than that, as I myself do know, he will hear of it with surprise and regret. Though I am unaware that any member of the committee, other than myself, has had any immediate personal knowledge of the views likely to be entertained by him in this regard, I say, what no living man can truly dispute or honestly question, that this nomination has been made upon the entire responsibility and sense of duty of this committee, — not only without the knowledge, approbation, or consent of Mr. Sumner, but in the face of his constant, repeated, and determined refusal, at all times, to allow his name, even for a moment, to be held at the disposal of friends for such a purpose.

"A delicate and sensitive appreciation of his attitude, as one of the earliest, strongest, and most open of those opposed to the dealings of our present member of Congress with the matter of the Mexican War, determined Mr. Sumner, although looked to by — may I not say every individual who sympathizes in this present movement of opposition, as the man to bear our standard on the field of controversy? — determined him to resist every effort to draw him forth from the humblest station in our ranks.

"He would think, write, and speak as his own mind and heart were moved; but he would do nothing, he would permit nothing to be done, for himself, for his own personal promotion."

Mr. Andrew then proceeded to mention what induced the committee to disregard Mr. Sumner's known wishes.

The resolutions were adopted unanimously. A committee of vigilance was appointed. Mr. Sumner's letter to Mr. Winthrop, with the report of this meeting, signed by the President and Secretaries, was printed on a broad-side.

Meanwhile Mr. Sumner returned from Maine, when, on learning what had passed, he at once withdrew his name in the following notice.

LATE last evening, on my return from Bangor, where I had been in pursuance of an engagement made last August, I was surprised to find myself nominated as candidate for Congress.

I have never on any occasion sought or desired public office of any kind. I do not now. My tastes are alien to official life; and I have long been accustomed to look to other fields of usefulness.

My name has been brought forward, in my absence, without any knowledge or suspicion on my part of such a purpose, and contrary to express declarations, repeatedly made, that I would not, under any circumstances, consent to be a candidate.

Grateful for the kindness of friends who have thought me worthy of political confidence, and regretting much that it is not bestowed upon some one else, who would fitly represent the idea of opposition to the longer continuance of the unjust war with Mexico, I beg leave respectfully, but explicitly, to withdraw my name from the canvass.

CHARLES SUMNER.

SATURDAY, OCTOBER 31.

SLAVERY AND THE MEXICAN WAR.

SPEECH AT A PUBLIC MEETING IN THE TREMONT TEMPLE, BOSTON, NOVEMBER 5, 1846.

THE sentiment against Slavery and the Mexican War found expression in the independent nomination of Dr. S. G. Howe as Representative to Congress. At a meeting of citizens to support this nomination, John A. Andrew, Esq., was called to the chair. The following resolution was reported from the District Committee by John S. Eldridge, Esq.

"*Resolved*, That in the determination of our candidate, Dr. SAMUEL G. HOWE, 'to stand and be shot at,' we recognize the spirit of a man distinguished by a life of service in various fields of humanity; and, confidently trusting in the triumph of sound principles, we heartily pledge ourselves to make, with untiring zeal, every honorable effort to secure the election of a candidate who has boldly identified himself with the cause of Truth, Peace, Justice, the Liberties of the North, and the Rights of Man."

On this resolution Mr. Sumner made the speech given below. He was followed by Hon. C. F. Adams, who reviewed the Anti-Slavery policy pursued for several years by the Massachusetts Legislature, and the obstacles they encountered.

At the election, which took place on Monday, November 9th, the vote was as follows: Winthrop (Whig), 5,980; Howe (Anti-Slavery), 1,334; Homer (Democrat), 1,688; Whiton (Independent), 331.

MR. CHAIRMAN, — When, in the month of July, 1830, the people of Paris rose against the arbitrary ordinances of Charles the Tenth, and, after three days of bloody contest, succeeded in that Revolution which gave the dynasty of Orléans to the throne of France, Lafayette, votary of Liberty in two hemispheres,

placing himself at the head of the movement, made his way on foot to the City Hall, through streets impassable to carriages, filled with barricades, and strewn with wrecks of war. Moving along with a thin attendance, he was unexpectedly joined by a gallant Bostonian, who, though young in life, was already eminent by seven years of disinterested service in the struggle for Grecian independence against the Turks, who had listened to the whizzing of bullets, and narrowly escaped the descending scimitar. Lafayette, considerate as brave, turned to his faithful friend, and said, "Do not join me; this is a danger for Frenchmen only; reserve yourself for your own country, where you will be needed." Our fellow-citizen heeded him not, but continued by his side, sharing his perils. That Bostonian was Dr. Howe. And now the words of Lafayette are verified. He is needed by his country. At the present crisis, in our Revolution of "Three Days," he comes forward to the post of danger.

I do not disguise the satisfaction I shall feel in voting for him, beyond even the gratification of personal friendship, because he is not a politician. His life is thickly studded with labors in the best of all causes, the good of man. He is the friend of the poor, the blind, the prisoner, the slave. Wherever there is suffering, there his friendship is manifest. Generosity, disinterestedness, self-sacrifice, and courage have been his inspiring sentiments, directed by rare sagacity and intelligence; and now, wherever Humanity is regarded, wherever bosoms beat responsive to philanthropic effort, his name is cherished. Such a character reflects lustre upon the place of his birth, far more than if he had excelled only in the strife of politics or the servitude of party.

He has qualities which especially commend him at this time. He is firm, ever true, honest, determined, a lover of the Right. With a courage that charms opposition, he would not fear to stand alone against a fervid majority. Knowing war by fearful familiarity, he is an earnest defender of peace. With a singular experience of life in other countries, he now brings the stores he has garnered up, and his noble spirit, to the service of his fellow-citizens.

But we are assembled to-night less to consider his praises — grateful as these would be to me, who claim him as friend — than to examine the principles now in issue. Not names, but principles, are now in issue. Proud as we may be of our candidate, we feel, and he too feels, that his principles on the grave questions now pending are his truest recommendation.

In examining these questions, I shall regard those only which are put in issue by the Whigs. It is with the Whigs that I have heretofore acted, and may hereafter act, — always confessing loyalty to principles above any party.

The Resolutions of the recent Whig State Convention present five different questions, with the opinions of the party thereupon. These are the Veto of the President, the Sub-Treasury, the Tariff, *Slavery*, and *the Mexican War*. Now, of these five questions, it will not be disguised that the last two are the most important. Slavery is a wrong which justice and humanity alike condemn. The Mexican War is an enormity born of Slavery. Viewed as a question of dollars and cents, it overshadows the others; while the blackness of its guilt compels them to the darkness of a total eclipse. Base in object, atrocious in beginning, immoral in all its

influences, vainly prodigal of treasure and life; it is a war of infamy, which must blot the pages of our history. No success, no bravery, no victory can change its character. Vainly will our flag wave in triumph over twenty fields. Shame, and not glory, will attend our footsteps, while, in the spirit of a bully, we employ superior resources of wealth and numbers in carrying death and devastation to a poor, distracted, long afflicted sister republic. Without disparaging the other questions, every just and humane person will recognize Slavery and the Mexican War as paramount to all else, — so much so, that whoever is wrong on these must be so entirely wrong as not to deserve the votes of Massachusetts men.

The Whig Convention has furnished a rule or measure of opinion. It has expressly pledged the Whigs "to promote all constitutional measures for the overthrow of Slavery, and to oppose at all times, with uncompromising zeal and firmness, any further addition of slaveholding States to this Union, out of whatever territory formed." The Mexican War it has denounced as having its origin in *an invasion of Mexico by our troops.*

Now on these subjects Dr. Howe's opinions are clear and explicit. He is an earnest, hearty, conscientious opponent of Slavery, and in his speech at your former meeting he denounced the injustice of the Mexican War, and, as a natural consequence, demanded the instant *retreat* of General Taylor's troops to the Nueces.

And this brings me to Mr. Winthrop. Here let me carefully disclaim any sentiment except of kindness towards him as a citizen. It is of Mr. Winthrop the politician that I speak, and not of Mr. Winthrop the honorable gentleman.

And, *first*, what may we expect from him against *Slavery*? Will he promote all constitutional measures for its overthrow? Clearly one of these is the Abolition of Slavery in the District of Columbia. This is within the constitutional powers of Congress, and has been called for expressly by our State. It has sometimes occurred to me that Slavery in our country is like the image in Nebuchadnezzar's dream, whose feet of clay are in the District of Columbia, where they may be shivered by Congressional legislation, directed by an enlightened Northern sentiment, so that the whole image shall tumble to the earth. Other measures against Slavery are sanctioned by the Massachusetts Whigs, and by the Legislature of our State, in formal resolutions, duly transmitted to Washington. I have never heard of Mr. Winthrop's voice for any of these, — nor, judging by the past, have I any reason to believe that he will support them earnestly. On these important points he fails, if tried by Whig standards.

Will he oppose, at all times, without compromise, any further addition of slaveholding States? Here again, if we judge him by the past, he is wanting. None can forget that in 1845, on the Fourth of July, a day ever sacred to memories of Freedom, in a speech at Faneuil Hall, he volunteered, in advance of any other Northern Whig, to receive Texas with a welcome into the family of States, although on that very day she was preparing a Constitution placing Slavery beyond the reach of legislative change.

The conclusion is irresistible, that Mr. Winthrop cannot fitly represent the feeling palpitating in Massachusetts bosoms, and so often expressed by our Legislature, with regard to Slavery.

What may we expect from him as to the *Mexican War?* This brings me to a melancholy inquiry, on which I am the less disposed to dwell because it has already been so fully considered. Will he ascend to the heights of a true civilization, and, while branding the war as unjust, call at once for its cessation, and the withdrawal of our forces? There is no reason to believe that he will. He voted for the Act of Congress under which it is now waged, and by that disastrous vote made his constituents partakers in a wicked and bloody war. At a later day, in an elaborate speech,[1] he vindicated his action, and promised "not to withhold his vote from any reasonable supplies which may be called for" in the prosecution of the war,— adding, that he should vote for them "to enable the President to achieve that *honorable peace* which he has solemnly promised to bring about at the earliest possible moment" *by the sword.* And, pray, what is Mr. Winthrop's idea of an "honorable peace"? Is it peace imposed upon a weak neighbor by brute force, the successful consummation of unrighteous war? Is it the triumph of wrong? Is it the Saturnalia of Slavery? Is it the fruit of sin? Is it a baptism of blood unjustly shed? In the same speech, with grievous insensibility to the sordid character of the suggestion, he pleads for the maintenance of the old Tariff, as necessary to meet "the exigencies" of the Mexican War. "In a time of war, like the present, more especially," he says, "*an ample revenue should be the primary aim and end of all our custom-house duties.*" Perish manufactures, let me rather say, if the duties by which they seem to be protected are swollen to feed "the exigencies" of unjust war! Afterwards, at Faneuil Hall, before the Whig Conven-

[1] Speech on the Tariff, June 25, 1846.

tion, he shows a similar insensibility. Nowhere does he sound the word *Duty*. Nowhere does he tell his country to begin by doing right. Nowhere does he give assurance of aid by calling for the instant stay of the war.

There are those who, admitting that his vote was a mistake, say that we are not to judge him on this account. Can we afford to send a representative who can make such a mistake? But it is a mistake never by him acknowledged as such. It is still persisted in, and hugged. Among the last words of warning from the lips of Chatham, as he fell at his post in the British Senate, almost his dying words, were "against co-operation with men who still persist in unretracted error."

In his vote for the Mexican War Mr. Winthrop was not a Whig. He then left the party: for surely the party is not where numbers prevail, but where its principles are recognized. The true Whigs are the valiant minority of *fourteen*. Once in Roman history, the vestal fire, the archives, the sacred volumes of the Republic, were in the custody of a single individual, in a humble vehicle, fleeing from the burning city. With him was the life of the Republic. So in that small minority was the life of the Whig party, with its principles and its sacred fire.

The true Whig ground, the only ground consistent with professed loyalty to the sentiment of duty, is uncompromising opposition to the war, wheresoever and howsoever opposition may be made. Expecting right from Mexico, we must begin by doing right. We are aggressors, and must cease to be so.

This is the proper course, having its foundations in immutable laws. Let me repeat, that our country must do as an individual in like circumstances. For, though

politicians may disown it, there is but one rule for nations and for individuals. If any one of you, fellow-citizens, finding yourself in dispute with a neighbor, had unfortunately felled him to earth, but, with returning reason, discovered that you were wrong, what would you do? Of course, cease instantly from *wrong-doing*. You would help your neighbor to his feet, and with awakened benevolence soothe his wounded nature. Precisely so must our country do now. This can be only by the withdrawal of our forces. Peace would then follow. The very response sent to the Roman Senate by a province of Italy might be repeated by the Mexicans: "The Romans, having preferred *justice* to *conquest*, have taught us to be satisfied with submission instead of liberty."

That I may not found these conclusions upon general principles only, I would invoke the example of English Whigs, Chatham, Camden, Burke, Fox, and Sheridan, in opposition to the war of our Revolution, — denouncing it at the outset as unjust, and ever, during its whole progress, declaring their condemnation of it, — voting against supplies for its prosecution, and against thanks for the military services by which it was waged. Holding their example as of the highest practical authority on the present question, and as particularly fit to be regarded by all professing to be Whigs in America, I make no apology for introducing the authentic evidence which places it beyond doubt. This is to be found in the volumes of the Parliamentary Debates. I am not aware that it has ever before been applied to the present discussion, although it is in every word especially applicable.

I begin with that famous instance where two officers

— one the son of Lord Chatham, and the other the Earl of Effingham — flung up their commissions rather than fight against constitutional liberty as upheld by our fathers. In the case of the latter especially the sacrifice was great; for he was bred to arms, and enjoyed the service. From his place in the House of Lords, May 18, 1775, he vindicated his act in the following terms.

"Ever since I was of an age to have any ambition at all, my highest has been to serve my country in a military capacity. If there was on earth an event I dreaded, it was to see this country so situated as to make that profession incompatible with my duty as a citizen. That period is in my opinion arrived. . . . . When the duties of a soldier and a citizen become inconsistent, I shall always think myself obliged to sink the character of the soldier in that of the citizen, till such time as those duties shall again, by the malice of our real enemies, become united."

These generous words found an echo at the time. A note in the Parliamentary History says, "The Twenty-second Regiment of Foot, in which he held a captain's commission, being ordered to America, he resolved, though not possessed of an ample patrimony, to resign a darling profession, and all hopes of advancement, rather than bear arms in a cause he did not approve"; and the record proceeds to say that "the cities of London and Dublin voted him their thanks for this conduct."[1] If a soldier could bear testimony against an unjust war, it was easy for others not under the constraint of martial prejudice to do so. The sequel shows how the example prevailed.

First came the famous Duke of Grafton, who, in the House of Lords, on the Address of Thanks, October 26,

[1] Vol. XVIII., col. 688. See also Annual Register for 1776, Vol. XIX. p. 42].

1775, after the Battles of Lexington and Bunker Hill, said:—

"I pledge myself to your Lordships and my country, that, if necessity should require it, and my health not otherwise permit it, I mean to come down to this House in a litter, in order to express my full and hearty disapprobation of the measures now pursuing, and, as I understand from the noble Lords in office, meant to be pursued. I do protest to your Lordships, that, if my brother or my dearest friend were to be affected by the vote I mean to give this evening, I could not possibly resist the faithful discharge of my conscience and my duty. Were I to lose my fortune and every other thing I esteem, were I to be reduced to beggary itself, the strong conviction and compulsion at once operating on my mind and conscience would not permit me to take any other part on the present occasion than that I now mean to adopt."

A protest at the close of this debate was signed by several peers, containing the following emphatic clause:—

"Because we cannot, as Englishmen, as Christians, or as men of common humanity, consent to the prosecution of a cruel civil war, so little supported by justice, and so very fatal in its necessary consequences, as that which is now waging against our brethren and fellow-subjects in America."

This was echoed in the House of Commons, where, on the same Address, Mr. Wilkes said:—

"I call the war with our brethren in America an unjust, felonious war. . . . . I assert that it is a murderous war, because it is an effort to deprive men of their lives for standing up in the just cause of the defence of their property and their clear rights. It becomes no less a murderous war with respect to many of our fellow-subjects of this island; for every man, either of the navy or army, who has been sent

by Government to America, and fallen a victim in this unnatural and unjust contest, has in my opinion been murdered by Administration, and his blood lies at their door. Such a war, I fear, Sir, will draw down the vengeance of Heaven upon this devoted kingdom."

Mr. Fox expressed himself as follows:—

"*He could not consent to the bloody consequences of so silly a contest* about so silly an object, conducted in the silliest manner that history or observation had ever furnished an instance of, and from which we were likely to derive nothing but poverty, misery, disgrace, defeat, and ruin."

He was followed by the eminent lawyer, Serjeant Adair:—

"I am against the present war, because I think it unjust in its commencement, injurious to both countries in its prosecution, and ruinous in its event. . . . . I think, from the bottom of my soul, that the Colonies are engaged in a noble and glorious struggle. . . . . Sir, I could not be easy in my own mind without entering the strongest and most public protestations against measures which appear to me to be fraught with the destruction of this mighty empire. *I wash my hands of the blood of my fellow-subjects*, and shall at least have this satisfaction, amidst the impending calamities of the public, not only to think that I have not contributed to, but that I have done all in my power to oppose and avert, the ruin of my country."

During another debate in the Lords, November 15, 1775, that strenuous friend of freedom and upholder of Whig principles, Lord Camden, declared himself thus:—

"Peace is still within our power; nay, we may command it. A suspension of arms on our part, if adopted in time, will secure it for us, and, I may add, on our own terms.

From which it is plain, as we have been the original aggressors in this business, if we obstinately persist, we are fairly answerable for all the consequences. I again repeat, what I often urged before, that I was against this unnatural war from the beginning. I was equally against every measure, from the instant the first tax was proposed to this minute. When, therefore, it is insisted that we aim only to defend and enforce our own rights, I positively deny it. I contend that America has been driven by cruel necessity to defend her rights from the united attacks of violence, oppression, and injustice. I contend that America has been indisputably aggrieved. . . . . I must still think, and shall uniformly continue to assert, that Great Britain was the aggressor, that most, if not all, the acts were founded in oppression, and that, if I were an American, I should resist to the last such manifest exertion of tyranny, violence, and injustice."

On another occasion, in the Commons, December 8, 1775, Mr. Fox expressed himself thus sententiously:—

"I have always said that the war carrying on against the Americans is unjust."

Again, in the Lords, March 5, 1776, the Earl of Effingham said:—

"I never can stand up in your Lordships' presence without throwing in a few words on the justice of this unnatural war."

In the Commons, March 11, 1776, Colonel Barré, Mr. Burke, Mr. Fox, all vied in eulogy of General Montgomery, the account of whose death before Quebec had arrived a few days before.

The same spirit was constantly manifest. In the Commons, April 24, 1776, in the debate on the Budget, embodying taxes to carry on the war against America,

Mr. Fox laid down the constitutional rule of opposition to an unjust war.

"To the resolutions he should give his flat negative, and that not because of any particular objections to the taxes proposed (although there might be a sufficient ground for urging many), *but because he could not conscientiously agree to grant any money for so destructive, so ignoble a purpose as the carrying on a war commenced unjustly, and supported with no other view than to the extirpation of freedom* and the violation of every social compact. THIS HE CONCEIVED TO BE THE STRICT LINE OF CONDUCT TO BE OBSERVED BY A MEMBER OF PARLIAMENT. . . . . He then painted the quarrel with America as unjust, and the pursuance of the war as bloodthirsty and oppressive."

Colonel Barré followed, and adopted the phrase of Mr. Fox, "giving his flat negative to the resolutions, *as they were calculated to tax the subject for an unjust purpose.*"

The Duke of Grafton, in the Lords, October 31, 1776, repeated the sentiments he had avowed at an earlier day.

"He pledged himself to the House, and to the public, that, while he had a leg to stand on, he would come down day after day to express the most marked abhorrence of the measures hitherto pursued, and meant to be adhered to, in respect to America."

On the same night, in the Commons, Mr. Fox exclaimed: —

"The noble Lord who moved the amendment said that we were in the dilemma of *conquering or abandoning America. If we are reduced to that, I am for abandoning America.*"

In the Commons, November 6, 1776, Mr. Burke likened England to a "cruel conqueror."

"You simply tell the Colonists to lay down their arms, and then you will do just as you please. Could the most cruel conqueror say less? Had you conquered the Devil himself in Hell, could you be less liberal?"

Colonel Barré, in the Commons, February 10, 1777, insisted: —

"America must be reclaimed, *not conquered or subdued.* Conciliation or concession are the only sure means of either gaining or retaining America."

The Budget came up again in the Commons, May 14, 1777, when Mr. Burke spoke nobly: —

"He was, and ever would be, ready to support a just war, whether against subjects or alien enemies; but where justice, or a color of justice, was wanting, he should ever be the first to oppose it."

All these declarations were crowned by Lord Chatham's motion in the Lords, May 30, 1777, to put a stop to American hostilities, when he spoke so wisely and bravely.

"We have tried for unconditional submission: *try what can be gained by unconditional redress.* . . . . We are the aggressors. We have invaded them. We have invaded them as much as the Spanish Armada invaded England. . . . . In the sportsman's phrase, when you have found yourselves at fault, *you must try back.* . . . . I shall no doubt hear it objected, 'Why should we submit or concede? Has America done anything, on her part, to induce us to agree to so large a ground of concession?' I will tell you, my Lords, why I think you should. *You have been the aggressors from the beginning.* . . . . *If, then, we are the aggressors, it is your Lordships' business to make the first overture.* I say again, this country has been the aggressor. You have made descents upon their coasts; you have burnt their towns, plun-

dered their country, made war upon the inhabitants, confiscated their property, proscribed and imprisoned their persons. *I do therefore affirm, that, instead of exacting unconditional submission from the Colonies, we should grant them unconditional redress.* We have injured them; we have endeavored to enslave and oppress them. Upon this clear ground, instead of chastisement, they are entitled to redress."

Again Lord Chatham broke out, November 18, 1777, in words most applicable to the present occasion.

"I would sell my shirt off my back to assist in proper measures, properly and wisely conducted; *but I would not part with a single shilling to the present ministers.* Their plans are founded in destruction and disgrace. It is, my Lords, a ruinous and destructive war; it is full of danger; it teems with disgrace, and must end in ruin. . . . . If I were an American, as I am an Englishman, while a foreign troop was landed in my country, I never would lay down my arms! — never! — never! — never!"

The Duke of Richmond, in the Lords, on the same occasion, returned to the charge in a similar spirit.

"Can we too soon put a stop to such a scene of carnage? My Lords, I know that what I am going to say is not fashionable language; but a time will come when every one of us must account to God for his actions, and how can we justify causing so many innocent lives to be lost?"

In the Commons, December 5, 1777, Mr. Hartley, the constant friend of America, brought forward a motion: —

"That it is unbecoming the wisdom and prudence of Parliament to proceed any farther in the support of this fruitless, expensive, and destructive war, more especially without any specific terms of accommodation declared."

The Marquis of Rockingham, in the Lords, February 16, 1778, exclaimed: —

"He was determined to serve his country *by making peace at any rate.*"

At last, in the Lords, March 23, 1778, the Duke of Richmond brought forward a motion for the withdrawal of the forces from America.

The same question was presented again in the Commons, November 27, 1780, on a motion to thank General Clinton and others for their military services in America, when Mr. Wilkes laid down the true rule.

"I think it my duty to oppose this motion, because in my idea every part of it conveys an approbation of the American War, — a war unfounded in principle, and fatal in its consequences to this country. . . . . *Sir, I will not thank for victories which only tend to protract a destructive war.* . . . . As I reprobate the want of principle in the origin of the American War, I the more lament all the spirited exertions of valor and the wisdom of conduct which in a good cause I should warmly applaud. Thinking as I do, I see more matter of grief than of triumph, of bewailing than thanksgiving, in this civil contest, and the deluge of blood which has overflowed America. . . . . I deeply lament that the lustre of such splendid victories is obscured and darkened by the want of a good cause, without which no war, in the eye of truth and reason, before God or man, can be justified."

Mr. Fox followed in similar strain.

"He allowed the merits of the officers now in question, but he made a distinction between thanks and praise. He might admire their valor, but he could not separate the intention from the action; they were united in his mind; there they formed one whole, and he would not attempt to divide them."

Mr. Sheridan joined in these declarations.

"There were in that House different descriptions of men *who could not assent to a vote that seemed to imply a recognition or approbation of the American War.*"

All these words are memorable from the occasion of their utterance, from the statesmen who uttered them, and from the sentiments avowed. The occasion was the war of Great Britain upon our fathers. The statesmen were the greatest masters of political wisdom and eloquence that England has given to the world. The sentiments were all in harmony with what I have urged on the present occasion. Orators contended with each other in the strength of their language. Lord Camden averred that "Great Britain was the aggressor." The Duke of Grafton declared, that, "while he had a leg to stand on," he would express his "abhorrence" of the war. Chatham gave utterance to the same sentiment in one of his most magnificent orations. And Wilkes, Sheridan, Fox, and Burke echoed this strain, all insisting that the war was unjust, and must therefore be stopped.

Thus far I have quoted testimony from Parliamentary debates on our own Revolution; but going farther back, we find similar authority. When Charles the First sent assistance to the French against the Huguenots in Rochelle, the officers and men did more than murmur; and here our authority is Hume. The commander of one of the ships "declared that he would rather be hanged in England for disobedience than fight against his brother Protestants in France."[1]

They went back to the Downs. Having received new orders, they sailed again for France.

"When they arrived at Dieppe, they found that they had been deceived. Sir Ferdinando Gorges, who commanded one

[1] Hume, History of England, Chap. L.

of the vessels, broke through and returned to England. All the officers and sailors of all the other ships, notwithstanding great offers made them by the French, immediately deserted. One gunner alone preferred duty towards his king to the cause of religion, and he was afterwards killed in charging a cannon before Rochelle."[1]

The same sentiment prevailed also in the war upon Spain by Cromwell, when several naval officers, having scruples of conscience with regard to the justice of the war, threw up their commissions and retired. Here again Hume is our authority.

"No commands, they thought, of their superiors could justify a war which was contrary to the principles of natural equity, and which the civil magistrate had no right to order. Individuals, they maintained, in resigning to the public their natural liberty, could bestow on it only what they themselves were possessed of, a right of performing lawful actions, and could invest it with no authority of commanding what is contrary to the decrees of Heaven."[2]

Here again it is soldiers who refuse to fight in unjust war.

Such is the doctrine of morals sanctioned by English examples. Such should be the doctrine of an American statesman. If we apply it to the existing exigency, or try the candidates by this standard, we find, that, as Dr. Howe is unquestionably right, so Mr. Winthrop is too certainly wrong. Exalting our own candidate, I would not unduly disparage another. It is for the sake of the cause in which we are engaged, by the side of which individuals dwindle into insignificance, that we now oppose Mr. Winthrop, bearing our testimony against

[1] Hume, History of England, Chap. L.
[2] Ibid., Chap. LXL

Slavery and the longer continuance of the Mexican War, demanding the retreat of General Taylor and the instant withdrawal of the American forces. Even if we seem to fail in this election, we shall not fail in reality. The influence of this effort will help to awaken and organize that powerful public opinion by which this war will at last be arrested.

Hang out, fellow-citizens, the white banner of Peace; let the citizens of Boston rally about it; and may it be borne forward by an enlightened, conscientious people, aroused to condemnation of this murderous war, until Mexico, now wet with blood unjustly shed, shall repose undisturbed beneath its folds.

INVALIDITY OF ENLISTMENTS

IN THE MASSACHUSETTS REGIMENT OF VOLUNTEERS FOR THE MEXICAN WAR.

ARGUMENT BEFORE THE SUPREME COURT OF MASSACHUSETTS, JANUARY, 1847.

BY the Mexican War Bill (approved May 13, 1846) the President was authorized "to call for and accept the services of any number of volunteers, not exceeding fifty thousand," and provision was made for their organization. The Governor of Massachusetts, by proclamation, called for a Regiment in this Commonwealth, which was organized under the Act of Congress. Before it had left the Commonwealth, applications for discharge were made to the Supreme Court of Massachusetts in behalf of several persons repenting their too hasty enlistment. At the hearing, the proceedings by which the Regiment had been organized were called in question. Their validity was denied on the ground that the Act of Congress, in some of its essential provisions concerning volunteers, was unconstitutional, — that the enlistments were not in conformity with the Act, — and also that the militia laws of Massachusetts had been fraudulently used in forming the regiment. These points, and the further question, whether a minor is bound by his contract of enlistment under the Act, were argued by Mr. Sumner, who appeared as counsel for one of the petitioners. The Court sustained the validity of the proceedings, but discharged the minors. — See *In Re* Kimball, Murray, and Stone, 9 Law Reporter, 500, where the case is reported.

MAY IT PLEASE YOUR HONORS,

THIS cause has a strong claim upon the careful consideration of the Court. It comes with a *trinoda necessitas*, a triple cord, to bind its judgment. It is important as respects the parties, the public, and the principles involved.

To the *parties*, it is one of the highest questions known to the law, being a question of *human freedom*. It is proposed to hold the petitioner in the servitude of the army for an indefinite space of time, namely, "for the duration of the war with Mexico." During all this period, he will be subject to martial law, and to the Articles of War, with the terrible penalties of desertion. He will be under the command of officers, at whose word he must move from place to place beyond the confines of the country, and perform unwelcome duties, involving his own life and the lives of others.

To the *public*, it is important, as it is surely of especial consequence, in whose hands is placed the power of life and death. The soldier is vested with extraordinary attributes. He is at times more than marshal or sheriff. He is also surrounded by the law with certain immunities, one of which is exemption from imprisonment for debt.

It is important from the *principles* involved. These are the distinctions between the different kinds of military force under the Constitution of the United States, the constitutionality of the Act of Congress of May, 1846, and the legality of the enlistments under it. The determination of these questions will establish or annul the immense and complex Volunteer System now set in motion.

In a case of such magnitude, I shall be pardoned for dwelling carefully upon the different questions. In the course of my argument I hope to establish the following propositions.

First. That the forces contemplated by the Act of May, 1846, are a part of the "army" of the United States, or its general military force, and not of the "militia."

Secondly. That the part of the Act of Congress of 1846

providing for the officering of the companies is unconstitutional, and the proceedings thereunder are void.

Thirdly. That the present contract is illegal, inasmuch as it is not according to the terms of the Statute, which prescribes that it shall be for "twelve months or the war," whereas it is "for the war" only.

Fourthly. That it is illegal, being entered into by an improper use of the militia laws of Massachusetts, so as to be a *fraud* on those laws.

Fifthly. That minors cannot be held by contract of enlistment under the present Act.

I shall now consider these different propositions.

First. The force contemplated by the Act of May, 1846, is a part of the *army* of the United States, or of its general military force, and not of the *militia.*

It is called "volunteers"; but on inquiry it will appear that it has elements *inconsistent* with militia, while it wants elements *essential* to militia.

Without stopping to consider what these elements are, it will be proper, first, to consider the powers of Congress over the land forces. Congress is not omnipotent, like the British Parliament. It can do only what is permitted by the Constitution of the United States, and *in the manner permitted.* We are, then, to search the Constitution.

Here we find two different species of land forces, and only two. These are "armies" and "militia." There is between the two no hybrid or heteroclite, — no *tertium quid.*

These forces are referred to and sanctioned by the following clauses, and by no others: "The Congress shall have power *to raise and support armies;* to provide for calling forth *the militia* to execute the laws of the Union,

suppress insurrections, and repel invasions; to provide for organizing arming, and disciplining *the militia,* and for governing such part of them as may be employed in the service of the United States, *reserving to the States, respectively, the appointment of the officers,* and the authority of training the militia, according to the discipline prescribed by Congress." (Art. I. § 8.) And again: "The President shall be commander-in-chief of the *army* and navy of the United States, and of *the militia of the several States, when called into the actual service of the United States.*" (Art. II. § 2.)

It has been ably argued by Mr. Lanier, in the Virginia Assembly, that the distinction between *army* and *militia* is, that the first stands on *contract* or *voluntary enlistment,* and the second on *the law compelling parties to serve;* that this simple test determines the character of the service, Did the party enter *voluntarily* or by *operation of law?* If voluntarily, then he is in the "army"; if compulsorily, or by operation of law, then he is in the "militia." This distinction is palpable, and is true, I think, beyond question, with regard to the "army" and "militia" under existing laws. I am not prepared to say that Congress, under the clause authorizing it "to raise and support armies," may not, following the example of other countries, enforce a conscription, or levy, which shall act compulsorily throughout the country, being in this respect like the *militia,* although unlike it in other respects. Such a plan was recommended by Mr. Monroe, when Secretary of War, October 17, 1814, who speaks of it as follows.

"The limited power which the United States have in organizing the militia may be urged as an argument against

their right to raise *regular troops in the mode proposed.* If any argument could be drawn from that circumstance, I should suppose that it would be in favor of an opposite conclusion. The power of the United States over the militia has been limited, and that for raising regular armies granted without limitation. There was, doubtless, some object in this arrangement. The fair inference seems to be, that it was made on great consideration, — that the limitation in the first instance was intentional, the consequence of the unqualified grant of the second.

"But it is said, that by drawing the men from the militia service into the regular army and putting them under regular officers you violate a principle of the Constitution *which provides that the militia shall be commanded by their own officers.* If this was the fact, the conclusion would follow. But it is not the fact. The men are not drawn from the militia, but from the population of the country. *When they enlist voluntarily, it is not as militia-men that they act, but as citizens.* If they are drafted, it must be in the same sense. In both instances they are enrolled in the militia corps; but that, as is presumed, cannot prevent the voluntary act in one instance or the compulsive in the other. The whole population of the United States, within certain ages, belong to these corps. If the United States could not form regular armies from them, they could raise none."[1]

If Mr. Monroe's views are sound, the "army" of the United States, as well as the "militia," may be raised by draft. It may consist of *regulars* and *irregulars.*

But whatever may be the powers of Congress on this subject, it is certain that there is no legislation now in force, providing for the "army," except by means of *voluntary enlistment.* The whole army of the United States is, at present, an army of *volunteers;* and all per-

[1] Niles's Register, Vol. VII. p. 139: November 5, 1814.

sons who are *volunteers* are of the *army*, and not of the *militia*. To call them *volunteers* does not take them out of the category of the *army*, or general military force of the United States.

On the other hand, the *militia*, when in the service of the United States *as militia*, are not *volunteers*. They come by draft or conscription. This distinction is derived from England, to whom we are indebted for so much of our jurisprudence, and so many principles of constitutional law. We find from Blackstone (Vol. I. p. 412), that the English militia consists of "the inhabitants of the county, chosen by lot for three years." They are called "the constitutional security which the laws have provided for the public peace and for protecting the realm against foreign or domestic violence"; and "they are *not compellable to march out of their counties, unless in case of invasion or actual rebellion within the realm, nor in any case compellable to march out of the kingdom.*" They are "officered by the lord-lieutenant, the deputy-lieutenants, and other principal landholders, under a commission from the crown." It will be observed, from this description, that there are four distinct elements in the English militia. 1. It is in its nature a draft or conscription. 2. It is local in its character. 3. It is officered by persons in the county. 4. It can be called out only on peculiar exigencies, expressly designated. In all these respects it is distinguishable from what is called the *army* of England.

Mr. Burke somewhere says that nearly half of the early editions of Blackstone's Commentaries found their way to America. The framers of our Constitution were familiar with this work, and they have reproduced all these four features of the English militia, substituting

"State" for "county," and adopting even the peculiar exigencies when they are compellable to march "out of the State." Thus following Blackstone, they have recognized an "*army*" and a "*militia*," without any third or intermediate military body.

This same distinction between the militia and army was recognized by Mr. Charles Turner, in the British Parliament, in a speech on the Bill for embodying the Militia, November 2, 1775. "The proper men," he says, "*to recruit and supply your troops* are the scum and outcast of cities and manufactories: fellows who *voluntarily submit to be slaves* by an apprenticeship of seven years are the proper persons to be military ones. But to take the honest, sober, industrious fellow from the plough is doing an essential mischief to the community, and laying a double tax." [1]

Let us now apply these general considerations to the present case.

The Act of May, 1846, recognizes a clear distinction between *militia* and *volunteers*. It authorizes the President "to employ the *militia*, naval, and military forces of the United States, and to call for and accept the services of any number of *volunteers*, not exceeding fifty thousand, ... to serve twelve months after they shall have arrived at the place of rendezvous, or to the end of the war, unless sooner discharged." The next section (§ 2) provides that "the *militia*, when called into the service of the United States by virtue of this Act or any other Act, may, if in the opinion of the President of the United States the public interest requires it, be compelled to serve *for a term not exceeding six months* after their arrival at the place of rendezvous." The ninth

[1] Hansard, Parl. Hist., Vol. XVIII. col. 846.

section speaks of "militia or volunteers," referring to the two distinct classes.

Now on the face of this Act there are at least two distinct recognitions that "volunteers" are not of the *militia*: 1st, in providing for the employment of *volunteers* and also of *militia*, treating the two as distinct; and, 2d, in providing that the service for volunteers shall be "twelve months or the war," while that of the militia is "six months" only.

There are other reasons. 1st, The volunteers do not come by draft, but by contract. 2d, Then, again, the President is expressly empowered to apportion the staff, field, and general officers among the respective States and Territories from which the volunteers shall tender their services, while, in the supplementary Act of June 26, major-generals and brigadier-generals are to be appointed by the President by and with the advice and consent of the Senate, all of which, notwithstanding the sop to the States in the apportionment provision, is inconsistent with the character of *militia*. 3d, Another reason why these cannot be *militia* is, that no such exigency has occurred as authorizes the President to call for the militia, — as, for instance, "to execute the laws of the Union, suppress insurrections, and repel invasions."

Thus far I have sought to bring the proposed body of volunteers to the touchstone of the Constitution and laws of the United States. Let us now see how they conform to the Constitution and laws of Massachusetts.

1. By the Constitution of Massachusetts, the Governor is commander-in-chief of the militia; but he cannot command these volunteers.

2. By our State laws (Chap. 92, March 24, 1840) volunteers in the militia are "to do duty for five years"; while volunteers under the Act in question are for "twelve months or the war."

3. "A uniform such as the commander-in-chief shall prescribe" is appointed for the volunteer militia, while volunteers under the Act are subject to no such regulation.

4. The statute of 1846, chap. 218, § 10, provides that each company shall have "one first, one second, one third, and one fourth lieutenant." Mr. Secretary Marcy's requisition (p. 30 of Mr. Cushing's Report [1]) allows to each company "one first lieutenant and two second lieutenants."

By provisions like these Massachusetts has marked her militia that she may know them. She tells them how they shall be apparelled and officered. But the body now called out is so apparelled and officered that the Commonwealth cannot recognize it as her militia.

It seems clear, that, in the light of the Constitution and laws of the United States, and also of the Constitution and laws of Massachusetts, this body cannot be a part of the *militia*.

But it is suggested on the other side that the companies now raised may be regarded as companies of militia who *volunteer as companies* into the army of the United States; and it is urged that the requisitions of the Constitution are complied with, inasmuch as the officers of the regiment are commissioned by the Governor. To this it may be replied, that the militia of the Commonwealth have certain specific duties detailed in the statute on the subject (Chap. 92, 1840). For instance

[1] Mass. House Doc. 1847, No. 7.

(§ 23), three parades in each year, and inspection on the last Wednesday of May; (§ 24) an inspection and review in each year; (§ 27) and particularly to aid the *posse comitatus* in case of riot. These all contemplate that they shall remain *at home.* Now it is not to be questioned, that, in any of the *exigencies* mentioned by the Constitution, they may be ordered from home, *in the manner prescribed by the Constitution and laws;* but it certainly cannot be allowable for a company of militia to VOLUNTEER *as a company* into a service *inconsistent with the duties prescribed by the laws under which it is established.* Adopting Mr. Monroe's distinction, the individuals can volunteer *as citizens,* but not *as a company.*

Let us try this point by an analogy. The Commonwealth by its legislation (Rev. Stat., chap. 18) establishes companies of engine-men, who are to be appointed by the selectmen of towns, to protect from fires. Is it supposed that these companies can volunteer, *as companies,* to enter the army of the United States, and go far away from the scene of the duties for which they were established? But the companies of militia are hardly less local and home-abiding in character than the companies of engine-men. It is impossible to suppose that they can volunteer as companies into the "army" of the United States.

But suppose, for the sake of argument, that companies of militia, as such, may volunteer into the service of the United States, under the Act of May, 1846, — do they continue to be *militia?* Clearly not. They are in no wise subject to the laws of Massachusetts. Her Governor, who was so unfortunately prompt to put them in motion, cannot recall them, although he is commander-in-chief of her militia. They have not her uniform.

Their officers are not her officers, but officers of the United States. The corps has become part of the *army* of the United States, or of its general military force.

And this is the legal character of the present Massachusetts Regiment, if it have any *legal character*.

> "If shape it may be called, that shape has none
> Distinguishable in member, joint, or limb,
> Or substance may be called that shadow seems."

It is part of the "army" of the United States, and not of the "militia."

Secondly. It being established that it is not of the *militia*, but of the *army*, the way is prepared for the consideration of the other questions. The first of these relates to the *constitutionality* of part of the Act under which the regiment is raised. Looking at Captain Webster's return in the present case, it will be perceived that he claims to hold the petitioner "because the said Samuel A. Stone has been duly enrolled and enlisted as a member of Company A of the First Regiment of Massachusetts Infantry, whereof the said Edward Webster has been duly commissioned Captain by his Excellency the Governor of this Commonwealth." On this return we have a question of double aspect. 1. Has Edward Webster a right to detain the petitioner? 2. Is the petitioner liable to be detained by anybody? It is possible that the petitioner may be liable, although Edward Webster has no right to detain him. In other words, he may be legally enlisted as a soldier in the "army" of the United States, although Webster is not a legal officer.

And, first, is Edward Webster legally commissioned as "an officer of the United States"? This is an important question, which concerns the validity of his acts. He should be anxious to know if he is a legal officer,

that he may not bear the sword in vain. The attributes of a military officer are of a high order. He has power over human life and property to an extraordinary degree. He has power at once executive and judicial; he is sheriff and judge. In these peculiar powers he is distinguishable from common citizens. Such powers the Government can impart, — but only in certain ways *precisely prescribed* by the Constitution and laws, — only constitutionally, legally, and rightfully. And the question recurs, Have these powers been imparted in such wise to Edward Webster?

This is determined by the Constitution of the United States. That instrument provides explicitly the manner of appointing "officers of the United States." It says (Art. 2, § 2), "The President shall nominate, and by and with the advice and consent of the Senate shall appoint, ambassadors, other public ministers, and consuls, judges of the Supreme Court, *and all other officers of the United States* whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such *inferior officers* as they think proper in the President alone, in the courts of law, or in the heads of departments." In the next clause it declares, that "the President shall have power to fill up all vacancies that may happen during the recess of the Senate, *by granting commissions* which shall expire at the end of their next session."

From these clauses it appears that all "officers of the United States" are nominated, and by and with the advice and consent of the Senate are appointed, by the President; and it is inferred that they are "commissioned" by the President.

Now two questions arise: whether an officer in the "army" of the United States is an "officer of the United States" in the sense of the Constitution, and whether he is an "inferior officer."

He is not an "inferior officer" in the sense of the Constitution; for his appointment has never been vested "in the President alone, in the courts of law, or in the heads of departments."

He is an "officer of the United States." In support of this is universal custom, which has always treated him as such, the express action of President Monroe and Congress in 1821 with regard to the office of Adjutant-General (3 Story, Com. on Const. § 1531, note), and sundry precedents.

I conclude, therefore, that Edward Webster, assuming to be an "officer of the United States," but not having been "nominated by the President, and by and with the advice and consent of the Senate appointed," nor being "commissioned" by the President, is not constitutionally an officer of the "army" of the United States, nor entitled to detain the petitioner. He is commissioned by the Governor of Massachusetts, who cannot give any power in the "army" of the United States.

The question next arises, whether any person is authorized to detain the petitioner. Webster is not. Who is?

The petitioner has been mustered into the service of the United States, not as an individual citizen, but *as a member of the company of which Webster assumes to be captain.* If the company has no legal existence as a company, all the proceedings are void. But the company becomes such only through its officers. Until its

officers are chosen, it is an embryo, not a legal body. But its officers never have been chosen in any constitutional way. The company is, therefore, still unborn. Or rather, to adopt the illustration of the Roman Tribune, the "belly" is produced, but the "head and hands" are wanting; so that it is impossible to present a complete body.

The conclusion is, that the petitioner is not liable to be held in the service of the United States. This stands upon the *unconstitutionality* of that part of the law of Congress relating to the peculiar organization of this corps.

This same error Congress has committed before. The Act of February 24, 1807 (Statutes at Large, Vol. II. p. 419), provides for volunteers in companies, "whose commissioned officers shall be appointed in the manner prescribed by law in the several States and Territories to which such companies shall respectively belong." In the Act of February 6, 1812 (Statutes at Large, Vol. II. p. 676), these words are repeated. But at a later day it seems the mistake was discovered. By the Act of January 27, 1815, it is provided (§ 4) "that the officers of the said volunteers shall be commissioned by the President of the United States"; and also (§ 8) "that the appointment of the officers of the said volunteers, if received into the service of the United States for the term of twelve months, or for a longer term, shall be submitted to the Senate, for their advice and consent, at their next session after commissions for the same shall have been issued." This bill was much considered in Congress.[1] Notwithstanding all this, the same error is repeated in the Act of May, 1846.

[1] See Niles's Register, Vol. VII. pp. 313, 333, 352.

I submit, that it will be the duty of the Court to declare the Act of May, so far as it relates to the organization of the *volunteers*, unconstitutional, and all the proceedings under it a nullity.

Thirdly. But if the law should be regarded as constitutional, it is further submitted that the proceedings under it in Massachusetts have been *illegal* in two respects: *first*, by the action of the National Government; and, *secondly*, by the action of the Commonwealth.

At present we will consider the illegality on the part of the National Government.

The Act of May provides for volunteers "to serve twelve months after they shall have arrived at the place of rendezvous, or to the end of the war, unless sooner discharged." But by the requisition of Mr. Secretary Marcy they are to serve "during the war with Mexico, unless sooner discharged," which is a different term from that in the law.

The right to enlist soldiers is determined by the laws. Its exact extent is measured there. It is not dependent upon the judgment or conscience of any Secretary, — as if his foot were the standard of physical measure. The law expressly says, that the enlistment is to be for "twelve months or the war." Now it cannot have been the intention of Congress to obtain enlistments for the indefinite period of the war, — for ten years, like the Trojan War, or thirty years, like that of Wallenstein, in Germany. They wished to hold volunteers for twelve months, or even for a shorter time, if the war should be ended sooner; and at the time of this untoward Act it was supposed that it would be ended sooner. The militia, in this Act, are called out for "six months" only.

By the Act of February 24, 1807 (Statutes at Large,

Vol. II. p. 419), the volunteers are "for the term of twelve months after they shall have arrived at the place of rendezvous, unless sooner discharged"; and for the same term by the Act of February 6, 1812 (Vol. II. p. 676). But by the Act of February 24, 1814 (Vol. III. p. 98), the term was "five years, or during the war." By the Act of January 27, 1815 (Vol. III. p. 193), the term was "not less than twelve months." By the Act of January 27, 1814 (Vol. III. p. 94), the term of soldiers in the regular army was "five years, or during the war." I mention these precedents, to show that this question may have arisen before, although we have no reports of it from any judicial tribunal. But we have the express opinion of the late Mr. Justice Johnson, of the Supreme Court of the United States, in a note to his elaborate Life of General Greene, written not long after the Acts of Congress to which I have referred. It was printed in 1822. He says: "The point on which the Pennsylvania line really grounded their revolt was the same which has been more recently much agitated between the American Government and its army. The soldiers were enlisted for a certain number of years, *or the war*. At the expiration of the term of years they demanded their discharge; and after resisting this just claim, and sustaining all the terrors and real dangers of a revolt, ... the Government was obliged to acquiesce. *For so many years or the war* certainly meant for that time, if the war should so long last. Else why specify a term of years?—as enlistments for the war would have expressed the sense of the contracting parties." (Vol. II. p. 53, note.)

On the authority of Mr. Justice Johnson, the question seems to be clear. But if there be any doubt, the in-

clination must be against the Government. They are the powerful and intelligent party; the soldier is powerless and ignorant. The Government are the inviting, offering, promising party. To them applies the rule, *Verba fortius accipiuntur contra proferentem.*[1]

But it is said on the other side, that the "twelve months" have not yet expired; and it does not follow that the volunteers will be detained beyond that period. But the case now is to be judged on the *contract.* Is the contract legal or illegal, under the Act of Congress? It is submitted that it is illegal.

Fourthly. I submit that the proceedings in Massachusetts under the Act of March are *illegal,* inasmuch as they are a *fraud* upon the militia laws of the Commonwealth. This brings me to a part of the case humiliating to Massachusetts.

We have already seen the purpose of these laws, contemplating the performance of duties *at home,* — as, in preserving the peace, and aiding the *posse comitatus.* These purposes are distinctly declared by the Legislature. (Chap. 92, 1840.) But by the agency of State officers these laws have been employed — I would say, prostituted — to a purpose widely different: not to help preserve the peace at home, but to destroy peace abroad. It appears from the communication of the Adjutant-General, that he resorted to the device or invention of using the militia laws of the State in order to enlist soldiers to make war on Mexico. The following is the form of an application to be organized as a company of the Massachusetts militia, — the applicant expressly setting forth objects inconsistent with the duties of the militia.

[1] Bacon, Maxims of the Law, Reg. III.

"CHARLESTOWN, January 4, 1847.

"*To His Excellency, George N. Briggs, Governor and Commander-in-Chief of the Commonwealth of Massachusetts.*

"SIR, — The undersigned, in behalf of himself and his associates, whose names are duly enrolled therefor, respectfully requests that they may be duly organized as a company, to be annexed to the First Regiment of Massachusetts Infantry: *it being understood, that, when so organized, they desire and assent to be placed at the disposal of the President of the United States, to serve during the existing war with Mexico.* And as in duty bound will ever pray.

(Signed,) "JOHN S. BARKER."

Thus the Executive of the Commonwealth placed all the apparatus and energy of the Adjutant-General, and of the militia laws, at the service of certain petitioners, well knowing that these persons were not to enlist *bona fide* in the honest militia of Massachusetts, but with the distinct understanding that they should be placed at the disposal of the President of the United States, to serve during the existing war with Mexico. I do not complain that the Governor or the Adjutant-General lent himself officially or personally to this purpose, though I have my regrets on this score; but I do complain that *the laws of Massachusetts* are prostituted to this purpose.

It has been decided by the Supreme Court of the United States, in *Prigg* v. *Pennsylvania* (16 Peters, 539), that State officers are not obliged to enforce United States laws. The Nation must execute its laws by its own officers. Under the lead of this decision, the Legislature of Massachusetts passed a law making it penal for State officers to arrest or detain in public buildings

any person for the reason that he is claimed as a fugitive slave (Act of 1843, Chap. 69), although the Act of Congress of 1793 contemplates the action of State officers. By this legislation Massachusetts has clearly shown her determination to take advantage of the principle in Prigg's case. The Governor and the Adjutant-General, not heeding the spirit of our Commonwealth, made themselves *recruiting officers* of the United States, as much as if they had enlisted sailors for the ship-of-war Ohio, now lying in our harbor.

How much soever this may be deplored, it forms no ground for any legal questioning of their acts. What they did, under the directions of an Act of Congress, as *agents* of the United States, would be legal, provided it was not forbidden by the laws of the State. But although they might volunteer as *agents* of the United States in raising troops for the Mexican War, acting under the law of Congress, *they cannot employ the State laws for this purpose.* They cannot be justified in *diverting* the laws of the State to purposes not originally contemplated by these laws, and *inconsistent with their whole design and character.* Such was the employment of the militia laws of Massachusetts. These laws have been made by the Executive the instruments, the "decoy-ducks," to get together the Falstaff regiment whose existence is now drawn in question. The whole proceeding is a *fraud* on those laws.

It is the duty of this Court, as conservators of the laws of the Commonwealth, bound to see that they receive no detriment, to guard them from such a perversion from their true and original purpose. This can be done only by annulling the proceedings that have taken place under them.

Such are the objections to the legal character of the Massachusetts Regiment. If either of these should prevail, then the whole regiment is virtually dissolved. It becomes a mere name. *Stat nominis umbra.* Or it is left a mere voluntary association, without that quickening principle which is necessary to a military organization under the Constitution and laws of the United States. It is like the monster Frankenstein, the creation of audacious human hands, endowed with a human form, but wanting a soul.

Fifthly. But suppose the Court should hesitate to pronounce the nullity of these proceedings, and should recognize the legal existence of the regiment, it then becomes important to determine whether there are any special circumstances in the case of the petitioner which will justify his discharge. The party that I represent is a *minor,* and as such entitled to his discharge. The question on this point I have reserved to the last, because I wished to consider it after the inquiry whether the regiment was a part of the "army" or the "militia," in order to disembarrass it of considerations that might arise from the circumstance that the militia laws embrace minors. I assume now that the regiment, if it have any legal existence, is a part of the "army."

The jurisprudence of all countries wisely provides a certain period of majority, at which persons are supposed to be able to make contracts. This by the Common Law is the age of twenty-one.

Now enlistment in the army of the United States is a *contract.* The parties are volunteers, and the term implies contract. And the question arises, whether this contract is governed by the Common Law, so as to be voidable when made by a minor. Is the circumstance

that the contract is made with the Government any ground of exception? If an infant were to contract with the Government to sell a piece of land, he would not be bound by it any more than if the contract were with a private person. Is the circumstance that the contract is *military* any ground of exception? If an infant were to contract to furnish military supplies to Government, he could not be held more than by any private individual.

The rule of the Common Law as to the incapacity of infants is specific. An exception to it must be established by express legislation,—as, in the case of capacity to make a will, to marry, or to serve in the militia. Congress has recognized this principle by expressly declaring, on several occasions, that persons between the ages of eighteen and twenty-one may be enlisted. The argument from this is clear, that without *express provision* such enlistments would not be binding. The Acts of January 11, 1812 (Statutes at Large, Vol. II. p. 671), and December 10, 1814 (Ibid., Vol. III. p. 146), contain such provisions. And we are able from contemporary history to ascertain what was the understanding concerning them. I refer particularly to Niles's Register, Vol. III. p. 207, and the discussion there on the first of these Acts; also to Vol. VII. p. 308, where will be found an important document making this legislation of Congress a special subject of complaint.

It is argued, however, that the United States have no Common Law, and cannot, therefore, be governed by the rules of majority therein established. Although it may be decided that the United States have no Common Law as a source of jurisdiction, yet it cannot be questioned that they have a Common Law so far as may be neces-

sary in determining the signification of words and the capacity of persons. Idiots and femes-coverts would not be held as *volunteers* in the army of the United States; but their capacity is determined by the Common Law, and not by any special legislation.

I conclude, therefore, that the contract of enlistment in this regiment may be avoided by a minor.

It may be in the power of the Court to discharge the petitioner without passing upon all the grave questions which I have now presented. But I confidently submit, that, if these proceedings are unconstitutional and illegal, as I have urged, if the regiment is a nullity, as I believe, the truth should be declared. The regiment is soon to embark for foreign war, when its members will be beyond the kindly protection of this Court. It will be for the Court to determine whether it may not, by a just judgment, vindicate the injured laws of Massachusetts, and discharge many fellow-citizens from obligations imposed in violation of the Constitution and laws of the land.

WITHDRAWAL OF AMERICAN TROOPS FROM MEXICO.

SPEECH AT A PUBLIC MEETING IN FANEUIL HALL, BOSTON, FEBRUARY 4, 1847.

HON. Samuel Greele presided at this meeting. The other speakers, besides Mr. Sumner, were Rev. James Freeman Clarke, Hon. John M. Williams, Rev. Theodore Parker, Elizur Wright, and Dr. Walter Channing. There was interruption at times from lawless persons trying to drown the voice of the speaker. One of the papers remarks, that "a number of the volunteers were among the most active."

MR. CHAIRMAN AND FELLOW-CITIZENS, —

IN the winter of 1775, five years after what was called the "massacre" in King Street, now State Street, a few months only before the Battles of Lexington and Bunker Hill, Boston was occupied by a British army under General Gage, — as Mexican Monterey, a town not far from the size of Boston in those days, is now occupied by American troops under General Taylor. The people of Boston felt keenly all the grievance of this garrison, holding the control of Massachusetts Bay with iron hand. With earnest voice they called for its withdrawal, as the beginning of reconciliation and peace. Their remonstrances found unexpected echo in the House of Lords, when Lord Chatham, on the 20th of January, brought forward his memorable motion for the withdrawal of the troops from Boston. Josiah Quincy, Jr., dear to Bostonians for his own services, and for the services of his descendants in two generations, was present

on this occasion, and has preserved an interesting and authentic sketch of Lord Chatham's speech. From his report I take the following important words.

"There ought to be no delay in entering upon this matter. We ought to proceed to it immediately. We ought to seize the first moment to open the door of reconciliation. The Americans will never be in a temper or state to be reconciled, — they ought not to be, — till the troops are withdrawn. The troops are a perpetual irritation to these people; they are a bar to all confidence and all cordial reconcilement. I, therefore, my Lords, move, 'That an humble address be presented to His Majesty, most humbly to advise and beseech His Majesty, that, in order to open the way towards an happy settlement of the dangerous troubles in America, by beginning to allay ferments and soften animosities there, and above all for preventing in the mean time any sudden and fatal catastrophe at Boston, now suffering under the daily irritation of an army before their eyes, posted in their town, it may graciously please His Majesty *that immediate orders may be despatched to General Gage for removing His Majesty's forces from the town of Boston*, as soon as the rigor of the season, and other circumstances indispensable to the safety and accommodation of the said troops, may render the same practicable.' "[1]

It is to promote a similar measure of justice and reconciliation that we are now assembled. Adopting the language of Chatham, we ask the cessation of this unjust war, and the withdrawal of the American forces from Mexico, "as soon as the rigor of the season, and other circumstances indispensable to the safety and accommodation of the said troops, may render the same practicable."

It is hoped that this movement will extend throughout the country, but it is proper that it should begin here. Boston herself in former times suffered. The war-horse

[1] Life of Josiah Quincy, Jr., p. 320.

was stalled in one of her most venerable churches. Her streets echoed to the tread of hostile troops. Her inhabitants were waked by the morning drum-beat of oppressors. On their own narrow peninsula they have seen the smoke of an enemy's camp. Though these things are beyond the memory of any in this multitude, yet faithful History has entered them on her record, so that they can never be forgotten. It is proper, then, that Boston, mindful of the past and of her own trials, mindful of her own pleadings for the withdrawal of the British troops, as the beginning of reconciliation, should now come forward and ask for *others* what she once so earnestly asked for *herself*. It is proper that Boston should confess her obligations to the generous eloquence of Chatham, by vindicating his arguments of policy, humanity, and justice, in their application to the citizens of a sister Republic. Franklin, in dispensing a charity, said to the receiver, "When you are able, return this, — not to me, but to some one in need, like yourself now." In the same spirit, Boston should now repay her debt by insisting on the withdrawal of the American troops from Mexico.

Other considerations call upon her to take the lead. Boston has always led the generous actions of our history. Boston led the cause of the Revolution. Here commenced that discussion, pregnant with independence, which, at first occupying a few warm, but true spirits only, finally absorbed all the best energies of the continent, the eloquence of Adams, the patriotism of Jefferson, the wisdom of Washington. Boston is the home of noble charities, the nurse of true learning, the city of churches. By all these tokens she stands conspicuous; and other parts of the country are not unwilling to follow her example. Athens was called "the eye of Greece." Boston

may be called "the eye of America"; and the influence which she exerts proceeds not from size, — for there are other cities larger far, — but from moral and intellectual character. It is only just, then, that a town foremost in the struggles of the Revolution, foremost in all the humane and enlightened labors of our country, should take the lead now.

The war in which the United States are engaged has been from this platform pronounced unconstitutional. Such was the judgment of him who has earned the title of *Defender of the Constitution.* Would that, instead of innocuous threat to impeach its alleged author, he had spoken in the spirit of another time, when, branding an appropriation as unconstitutional, he boldly said he would not vote for it, if the enemy were thundering at the gates of the Capitol!

Assuming that the war commenced in violation of the Constitution, we have ample reason for its arrest on this account alone. Of course the troops should be withdrawn to where they were, when, in defiance of the Constitution, they moved upon disputed territory.

But the war is not only unconstitutional, it is unjust, and it is vile in object and character. It had its origin in a well-known series of measures to extend and perpetuate Slavery. It is a war which must ever be odious in history, beyond the outrages of brutality which disgrace other nations and times. It is a slave-driving war. In principle it is only a little above those miserable conflicts between barbarian chiefs of Central Africa to obtain slaves for the inhuman markets of Brazil. Such a war must be accursed in the sight of God. Why is it not accursed in the sight of man?

We are told that the country is engaged in the war,

and therefore it must be maintained, or, as it is sometimes expressed, vigorously prosecuted. In other words, the violation of the Constitution and the outrage upon justice sink out of sight, and we are urged to these same acts again. By what necromancy do these pass from wrong to right? In what book of morals is it written, that what is bad before it is undertaken becomes righteous merely from the circumstance that it is commenced? Who on earth is authorized to transmute wrong into right? Whoso admits the unconstitutionality and injustice of the war, and yet sanctions its prosecution, must approve the Heaven-defying sentiment, "Our country, right or wrong." Can this be the sentiment of Boston? If so, in vain are her children nurtured in the churches of the Pilgrims, in vain fed from the common table of knowledge bountifully supplied by our common schools. Who would profess allegiance to wrong? Who would deny allegiance to right? Right is one of the attributes of God, or rather it is part of his Divinity, immortal as himself. The mortal cannot be higher than the immortal. Had this sentiment been received by our English defenders in the war of the Revolution, no fiery tongue of Chatham, Burke, Fox, or Camden would have been heard in our behalf. Their great testimony would have failed. All would have been silenced, while crying that the country, right or wrong, must be carried through the war.

Here is a gross confusion of opposite duties in cases of *defence* and of *offence*. When a country is invaded, its soil pressed by hostile footsteps, its churches desecrated, its inhabitants despoiled of homes, its national life assailed, then the indignant spirit of a free people rises to repel the aggressor. Such an occasion challenges all the energies of *self-defence*. It has about it all that dismal glory

which can be earned in scenes of human strife. But if it be right to persevere in *defence*, it must be wrong to persevere in *offence*. If the Mexicans are right in defending their homes, we certainly are wrong in invading them.

The present war is *offensive* in essence. As such it loses all shadow of title to support. The acts of courage and hardihood which in a just cause might excite regard, when performed in an unrighteous cause, have no quality that can commend them to virtuous sympathy. The victories of aggression and injustice are a grief and shame. Blood wrongfully shed cries from the ground drenched with the fraternal tide.

The enormous expenditures lavished upon this war, now extending to fifty millions of dollars, — we have been told recently on the floor of the Senate that they were near one hundred millions, — are another reason for its cessation. The soul sickens at the contemplation of this incalculable sum diverted from purposes of usefulness and beneficence, from railroads, colleges, hospitals, schools, and churches, under whose genial influences the country would blossom as a rose, and desecrated to the wicked purposes of unjust war. In any righteous self-defence even these expenditures would be readily incurred. The saying of an early father of the Republic, which roused its enthusiasm to unwonted pitch, was, "Millions for Defence, not a cent for Tribute." Another sentiment more pertinent to our times would be, "Not a cent for OFFENCE."

And why is this war to be maintained? According to the jargon of the day, "to conquer a peace." But if we ask for peace in the spirit of peace, we must begin by doing justice to Mexico. We are the aggressors. We are now in the wrong. We must do all in our power

to set ourselves right. This surely is not by brutal effort to conquer Mexico. Our military force is so far greater than hers, that even conquest must be without the wretched glory which men covet, while honor is impossible from successful adherence to original acts of wrong. "To conquer a peace" may have a sensible signification, when a nation is acting in *self-defence;* but it is base, unjust, and atrocious, when the war is of *offence.* Peace in such a war, if founded on conquest, must be the triumph of injustice, the consummation of wrong. It is unlike that true peace won by justice or forbearance. It cannot be sanctioned by the God of Christians. To the better divinities of heathenism it would be offensive. It is of such a peace that the Roman historian, whose pen is as keen as a sword's sharp point, says, "*Auferre, trucidare, rapere, falsis nominibus,* IMPERIUM; *atque, ubi solitudinem faciunt,* PACEM *appellant*": With lying names, they call spoliation, murder, and rapine, *Empire;* and when they have produced the desolation of solitude, they call it *Peace.*[1]

The present course of our country, I have said, is opposed to those principles which govern men in private life. Few, if any, of the conspicuous advocates for the maintenance of this war would hesitate, if found wrong in any private transaction, to *retreat* at once. With proper apology they would repair their error, while they recoiled from the very suspicion of perseverance. Such should be the conduct of the Nation; for it cannot be said too often, that the general rules of morals are the same for individuals and states. "A commonwealth," says Milton, "ought to be but as one huge Christian personage, one mighty growth and stature of an honest man, as big and

[1] Tacitus, Agricola, c. 30.

compact in virtue as in body. For look what the grounds and causes are of single happiness to one man, the same ye shall find them to a whole state; by consequence, therefore, that which is good and agreeable to the state will appear soonest to be so by being good and agreeable to the true welfare of every Christian, and that which can be justly proved hurtful and offensive to every true Christian will be evinced to be alike hurtful to the state."[1]

I adopt the sentiments of Milton, and ask, Is not perseverance in wrong-doing hurtful and offensive to every Christian? Is not perseverance in wrong-doing hurtful and offensive to every Christian commonwealth? And is it not doubly so, when the opposite party is weak and the offender strong?

There are other considerations, arising from our fellowship with Mexico, which plead for her. She is our neighbor and sister republic, who caught her first impulse to independence from our example, rejecting the ensigns of royalty to follow simpler, purer forms. She has erred often, and suffered much, under the rule of selfish and bad men. But she is our neighbor and sister still, entitled to the rights of neighborhood and sisterhood. Many of her citizens are well known in our country, where they established relations of respect and amity. One of them, General Almonte, her recent minister at Washington, was a favored guest in the social circles of the capital. He is personally known to many who voted the supplies for this cruel war upon his country. The representative from Boston refers to him in terms of personal regard. Addressing any of these friends, how justly might this Mexican adopt the words of Franklin, in his remarkable letter to Mr. Strahan, of the British Parliament!

[1] Of Reformation in England, Book II.: Prose Works, Vol. I. p. 29.

"PHILADELPHIA, 5 July, 1775.

"MR. STRAHAN, — You are a member of Parliament, and one of that majority which doomed my country to destruction. You have begun to burn our towns and murder our people. *Look upon your hands: they are stained with the blood of your relations!* You and I were long friends: you are now my enemy, and I am yours,

"B. FRANKLIN."[1]

The struggle in Mexico against the United States, and that of our fathers against England, have their points of resemblance. Prominent among these is the aggressive character of the proceedings, in the hope of crushing a weaker people. But the parallel fails as yet in an important particular. The injustice of England roused her most distinguished sons, in her own Parliament, to call for the cessation of the war. It inspired the eloquence of Chatham to those strains of undying fame. In the Senate of the United States there is a favorite son of Massachusetts, to whom has been accorded powers unsurpassed by those of any English orator. He has now before him the cause of Chatham. His country is engaged in unrighteous war. Join now in asking him to raise his eloquent voice in behalf of justice, and of peace founded on justice; and may the spirit of Chatham descend upon him!

Let us call upon the whole country to rally in this cause. And may a voice go forth from Faneuil Hall to-night, awakening fresh echoes throughout the valleys of New England,—swelling as it proceeds, and gathering new reverberations in its ample volume,—traversing the whole land, and still receiving other voices, till it reaches our rulers at Washington, and, in tones of thunder, demands the cessation of this unjust war!

[1] Works, ed. Sparks, Vol. VIII. p. 155.

WHITE SLAVERY IN THE BARBARY STATES.

A Lecture before the Boston Mercantile Library Association, February 17, 1847.

Mutato nomine, de te
Fabula narratur. — Hor. *Sat.* I. i. 69, 70.

And thinkest thou this, O man, that judgest them which do such things, and doest the same, that thou shalt escape the judgment of God? — *Rom.* ii. 3.

There are individuals in the United States who hold more of their fellow-creatures in slavery than either of the Barbary Powers. — Humphreys, *Valedictory Discourse before the Cincinnati of Connecticut*, p. 34.

THIS was another attempt to expose Slavery before a promiscuous audience at a time when the subject was too delicate to be treated directly. Mr. Sumner commenced in the course at Boston, and afterwards gave the substance of his Lecture before many of the Lyceums of Massachusetts. Professedly historical in character, and carefully avoiding any discussion of slavery in our country, it escaped "censure," although jealous defenders of compromise were disturbed. Others were pleased to find their sentiments against slavery represented in the lecture-room.

It was easy to see, that, under the guise of condemning the slavery of whites, he condemned the slavery of blacks. While showing how the first came to prevail, he naturally exposed the origin of all slavery; nor does he for a moment lose sight of slavery among us, which is constantly present under an *alias*. The outrage is exhibited not only in its original wrong and oppression, but in the constant efforts against it by all civilized nations, sometimes by ransom, sometimes by war, ending at last in bloody overthrow. Conspiracies and escapes are described. At that time there was intense interest in fugitive slaves, which was gratified by the stories here introduced, showing how human sympathies attend all seeking freedom. Elsewhere, as well as here, the North Star had been a guide. It was common to doubt the hardships of slavery in our country; but there were persons who doubted the hardships of slavery in the Barbary States. Nothing more common among compromisers than to say that our slaves did not desire freedom, and that they were better off than free negroes; but there were persons, professing to know the condition of the Barbary States, who insisted that there were white slaves who left with regret, and that they were better off than free Christians there. Thus at each point is this historical lecture an argument against Slavery, and an answer to its defenders.

LECTURE.

HISTORY is sometimes called a gallery, where are exhibited scenes, events, and characters of the Past. It may also be called the world's great charnel-house, where are gathered coffins, dead men's bones, and all the uncleanness of years that have fled. Thus is it both an example and a warning to mankind. Walking among its pictures, radiant with the inspiration of virtue and of freedom, we thrill with new impulse to beneficent exertion. Groping amidst unsightly shapes without an epitaph, we may at least derive fresh aversion to all their living representatives.

In this mighty gallery, amidst angelic light, are the benefactors of mankind, — poets who have sung the praise of virtue, historians who have recorded its achievements, and the good of all time, who, by word or deed, have striven for the welfare of others. Here are those scenes where the godlike in man is made manifest in trial and danger. Here also are those grand pictures exhibiting the establishment of free institutions: the signing of Magna Charta, with its priceless privileges, by a reluctant monarch; and the signing of the Declaration of Independence, announcing the inalienable rights of man, by the fathers of our Republic.

On the other hand, in ignominious confusion, far

down in this dark, dreary charnel-house, is tumbled all that now remains of the tyrants, the persecutors, the selfish men, under whom mankind have groaned. Here also, in festering, loathsome decay, are monstrous *institutions* or *customs*, which the earth, weary of their infamy and wrong, has refused to sustain, — the Helotism of Sparta, the Serfdom of Christian Europe, the Ordeal by Battle, and Algerine Slavery.

From this charnel-house let me draw forth one of these. It may not be without profit to dwell on the *origin, history*, and *character* of a custom, which, after being for a long time a by-word and a hissing among the nations, is at last driven from the world. The easy, instinctive, positive reprobation which it will receive from all must necessarily direct our judgment of other institutions, yet tolerated in defiance of justice and humanity. I propose to consider the subject of *White Slavery in Algiers*, or, perhaps it may be more appropriately called, *White Slavery in the Barbary States*. As Algiers was its chief seat, it seems to have acquired a current name from that place. Nevertheless I shall proceed to speak of White Slavery, or the Slavery of Christians, throughout the Barbary States.

This subject may fail in interest, but not in novelty. I am not aware of any previous attempt to combine its scattered materials.

TERRITORY OF THE BARBARY STATES.

The territory now known as the Barbary States is memorable in history. Classical inscriptions, broken arches, and ancient tombs — the memorials of various ages — still bear interesting witness to the revolutions

it has undergone.[1] Early Greek legend made it the home of terror and of happiness. Here was the retreat of the Gorgon, with snaky tresses, turning all she looked upon into stone; and here also the Garden of the Hesperides, with apples of gold. It was the scene of adventure and mythology. Here Hercules wrestled with Antæus, and Atlas sustained, with weary shoulders, the overarching sky. At an early day Phœnician fugitives transported the spirit of commerce to its coasts; and Carthage, which these wanderers planted, became mistress of the seas, explorer of distant regions, rival and victim of Rome. Here for a while the energy and subtlety of Jugurtha baffled the Roman power, till at last the whole region, from Egypt to the Pillars of Hercules, underwent the process of "annexation" to the cormorant republic of ancient times. A thriving population and fertile soil rendered it an immense granary. It was filled with ancient cities, one of which was the refuge and the grave of Cato, fleeing from the usurpations of Cæsar. At a later day Christianity was here preached by saintly bishops. The torrent of the Vandals, first wasting Italy, passed this way; and the arms of Belisarius here obtained their most signal triumphs. The Saracens, with the Koran and the sword, declared ministers of conversion, next broke from Arabia, as messengers of a new religion, and, pouring along these shores, diffused the faith and doctrines of Mohammed. Their empire was not confined even by these expansive limits, but, under Musa, entered Spain, and afterwards at Roncesvalles, in "dolorous rout,"

[1] The classical student will be gratified and surprised by the remains of antiquity described by Dr. Shaw, English chaplain at Algiers in the reign of George the First, in his "Travels, or Observations relating to Several Parts of Barbary and the Levant," published in 1738.

overthrew the embattled chivalry of the Christian world under Charlemagne.

The Saracenic power did not long retain its unity or importance; and as we discern this territory in the dawn of modern history, when the countries of Europe are appearing in their new nationalities, we recognize five different communities or states, Morocco, Algiers, Tunis, Tripoli, and Barca, the last of little moment and often included in Tripoli, the whole constituting what was then, and is still, called the Barbary States. This name has sometimes been referred to the Berbers, or Berebbers, constituting part of the inhabitants; but I delight to follow the classic authority of Gibbon, who thinks that the term, first applied by Greek pride to all strangers, and finally reserved for those only who were savage or hostile, justly settled, as a local denomination, along the northern coast of Africa.[1] The Barbary States, then, bear their past character in their name.

They occupy an important space on the earth's surface: on the north washed by the Mediterranean Sea, furnishing such opportunities for prompt intercourse with Southern Europe that Cato was able to exhibit in the Roman Senate figs freshly plucked in the gardens of Carthage; bounded on the east by Egypt, on the west by the Atlantic Ocean, and on the south by the vast, mysterious, sandy, flinty waste of Sahara, separating them from Soudan or Negroland. In advantage of position they surpass every other part of Africa, — unless we except Egypt, — communicating easily with the Christian nations, and thus, as it were, touching the very hem and border of civilization.

[1] Decline and Fall of the Roman Empire, Chap. LI. Vol. IX. p. 465.

Climate adds attractions to this region, which is removed from the cold of the north and the burning heat of the tropics, while it is enriched with oranges, citrons, olives, figs, pomegranates, and luxuriant flowers. Its position and character invite a singular and suggestive comparison. It is placed between the twenty-fifth and thirty-seventh degrees of north latitude, occupying nearly the same parallels with the Slave States of our Union. It extends over nearly the same number of degrees of longitude with our Slave States, which seem now, alas! to stretch from the Atlantic Ocean to the Rio Grande. It is supposed to embrace about 700,000 square miles, which cannot be far from the space comprehended by what may be called the *Barbary States of America*.[1] Nor does the comparison end here. Algiers, for a long time the most obnoxious place in the Barbary States of Africa, the chief seat of Christian slavery, and once branded by an indignant chronicler as "the wall of the barbarian world," is situated near the parallel of 36° 30′ north latitude, being the line of what is termed the Missouri Compromise, marking the "wall" of Christian slavery in our country, west of the Mississippi.

Other less important points of likeness occur. They are each washed, to the same extent, by ocean and sea, — with this difference, that the two are thus exposed on directly opposite coasts: the African Barbary being water-bounded on the north and west, and our American Barbary on the south and east. But there are no two spaces on the globe, of equal extent, (and geographical testimony will verify what I am stating,) which present so many distinctive features of resem-

[1] Jefferson, without recognizing the general parallel, alludes to Virginia as fast sinking to be "the Barbary of the Union." — Memoir, Correspondence, etc., ed. T. J. Randolph, Vol. IV. pp. 333. 334.

blance, whether we consider the parallels of latitude on which they lie, the nature of their boundaries, their productions, their climate, or the "peculiar domestic institution" which has sought shelter in both.

I introduce these comparisons that I may bring home to your minds, as nearly as possible, the precise position and character of the territory which was the seat of the evil I am about to describe. It might be worthy of inquiry, why Christian slavery, banished at last from Europe, banished also from that part of this hemisphere which corresponds in latitude to Europe, should have intrenched itself in both hemispheres between the same parallels of latitude, so that Virginia, Carolina, Mississippi, and Texas should be the American complement to Morocco, Algiers, Tripoli, and Tunis. Perhaps common peculiarities of climate, breeding lassitude, indolence, and selfishness, may account for that insensibility to the claims of justice and humanity which have characterized both regions.

ILLUSTRATIONS OF WHITE SLAVERY.

THE revolting custom of White Slavery in the Barbary States was for many years the shame of modern civilization. The nations of Europe made constant efforts, continued through successive centuries, to procure its *abolition*, and also to rescue their subjects from its fearful doom. These may be traced in diversified pages of history, and in authentic memoirs. Literature affords illustrations which must not be neglected. At one period, the French, the Italians, and the Spaniards borrowed the plots of their stories from this source.[1]

[1] Sismondi, Literature of the South of Europe, Chap. XXIX. Vol. III. p. 402.

The adventures of Robinson Crusoe make our childhood familiar with one of its forms. Among his early trials was his piratical capture by a rover from Sallee, a port of Morocco on the Atlantic Ocean, and reduction to slavery. "At this surprising change of my circumstances," says Crusoe, "from a merchant to a miserable slave, I was perfectly overwhelmed; and now I looked back upon my father's prophetic discourse to me, that I should be miserable and have none to relieve me, which I thought was now so effectually brought to pass that it could not be worse." And Cervantes, in the story of Don Quixote, over which so many generations have shaken with laughter, turns aside from its genial current to give the narrative of a Spanish captive who had escaped from Algiers. The author is supposed to have drawn from his own experience; for during five years and a half he endured the horrors of Algerine slavery, from which he was finally liberated by a ransom of less than seven hundred dollars.[1] This inconsiderable sum of money — scarcely the price of an ordinary African slave in our own Southern States — gave to freedom, to his country, and to mankind the author of Don Quixote.

In Cervantes freedom gained a champion whose efforts entitle him to grateful mention on this threshold of our inquiry. Taught in the school of slavery, he knew how to commiserate the slave. The unhappy condition of his fellow-Christians in chains was ever uppermost in his mind. He lost no opportunity of inciting attempts for their emancipation, and for the

[1] The exact amount in our money is left uncertain both by Smollett and Roscoe, in their lives of Cervantes. It appears that it was five hundred gold crowns of Spain, which, according to his Spanish biographer, Navarrete, is equal to 6,770 reals, in the currency of the present day. (Vida de Cervantes, p. 371.) The real is reckoned at ten cents.

overthrow of the "peculiar institution" — pardon the recurring phrase! — under which they groaned. He became in Spain what, in our day and country, is sometimes called an "anti-slavery agitator," — not by public meetings and addresses, but, according to the genius of the age, mainly through the theatre. Not from the platform, but from the stage, did this liberated slave speak to the world. In a play entitled *El Trato de Argel*, or Life in Algiers — which, though not composed according to rules of art, found much favor, probably from its subject — he pictured, shortly after his return to Spain, the manifold humiliations, pains, and torments of slavery. This was followed by two other plays in the same spirit, — *La Gran Sultana Doña Cathalina de Oviedo*, and *Los Baños de Argel*, or, The Galleys of Algiers. The last act of the latter closes with the statement, calculated to enlist the sympathies of an audience, that "this play is not drawn from the imagination, but was born far from the regions of fiction, in the very heart of truth." More could not be said of a tale of Slavery in our day. Not content with this appeal through the theatre, Cervantes, with constant zeal, takes up the same theme in the tale of "The Captive" which he introduces into Don Quixote, and also in that of *El Amante Liberal*, and in some parts of *La Española Inglesa*. All these may be regarded not merely as literary labors, but as charitable efforts in behalf of human freedom.

This same cause enlisted a contemporary genius, prolific beyond precedent, called by Cervantes "that great prodigy of Nature," Lope de Vega, who freely borrowed from it in a play entitled *Los Cautivos de Argel*. At a later day, Calderon, sometimes exalted as the Shakespeare of the Spanish stage, in one of his

most remarkable dramas, *El Principe Constante*, cast a poet's glance at Christian slavery in Morocco. To these works, belonging to what may be called the literature of Anti-Slavery, and shedding upon our subject a grateful light, must be added a curious and learned volume on the Topography and History of Algiers (*Topographia e Historia de Argel*), by Haedo, a Spanish father of the Catholic Church, published in 1612, and containing also two copious Dialogues, — one on Captivity (*de la Captividad*), and the other on the Martyrs of Algiers (*de los Martyres de Argel*). These Dialogues, besides embodying authentic sketches of suffering in Algiers, form a mine of classical and patristic learning on the origin and character of slavery, with arguments and protestations against its iniquity, which may be explored with profit even in our day. In view of this gigantic evil, particularly in Algiers, and in the hope of arousing his countrymen to the generous work of emancipation, the good father exclaims, in words which must thrill the soul so long as a single fetter binds a single slave: "Where is charity? Where is the love of God? Where is the zeal for his glory? Where is desire for his service? Where is human pity, and the compassion of man for man? Certainly, to redeem a captive, to liberate him from wretched slavery, is the highest work of charity, of all that can be done in this world."[1] The reports of the good fathers who visited this land of bondage for the redemption of captives testify likewise. One of these thus speaks from the depths of the heart: "The charity of Jesus Christ obliges us; and I question not but that whosoever had seen those miseries I have been a witness to, and the deplorable

[1] Pp. 140, 141.

condition I left our captives in, would have no less ardent a desire to relieve them." [1]

Not long after the bitter experience of Cervantes, another person, of another country and language, and of a higher character, St. Vincent de Paul, one of the saintly glories of France, encountered the same cruel lot. Happily for the world, he escaped from slavery, to commence at home that long career of charity — nobler than any fame of literature — signalized by various Christian efforts against duels, for peace, for the poor, and in every field of humanity, by which he is enrolled among the great names of Christendom. Princes and orators have lavished panegyrics upon this fugitive slave; and the Catholic Church, in homage to his extraordinary virtues, has numbered him with the saints. Nor is he the only illustrious Frenchman who has felt the yoke of slavery. Arago, astronomer and philosopher, — devoted republican also, — while on the coast of the Mediterranean, engaged in those scientific labors which made the beginning of his fame, came within the clutch of Algerine slave-dealers. What science and the world gained by his liberation I need not say.

Thus Science, Literature, Freedom, Philanthropy, the Catholic Church, each and all, owe a debt to the liberated Barbary slave. Let them, on this occasion, as beneficent heralds, commend the story of his wrongs, his struggles, and his triumphs!

[1] Busnot, History of the Reign of Muley Ismael: Preface.

I.

ORIGIN OF SLAVERY.

THESE preliminary remarks prepare the way for the subject to which I invite attention. Here I am naturally led to touch upon the *origin of slavery*, and the principles which lie at its foundation, before proceeding to exhibit the efforts for its abolition, and their final success in the Barbary States.

The word *Slave*, suggesting now so much of human abasement, has an origin which speaks of human grandeur. Its parent term, *Slava*, signifying *glory*, in the Slavonian dialect, where it first appears, was proudly assumed as the national designation of races in the northeastern part of the European continent, who, in the vicissitudes of war, were afterwards degraded from the condition of conquerors to that of servitude. The Slavonian bondman, retaining his national name, was known as *Slave;* and this term, passing from a *race* to a *class*, was afterwards applied, in the languages of modern Europe, to all in his unhappy lot, without distinction of country or color.[1] It would be difficult to mention any word which has played such opposite parts in history, — beneath the garb of servitude concealing its early robe of pride. And yet, startling as it seems, this word may be received in its primitive character, by those among us who consider slavery essential to democratic institutions, and therefore part of the true *glory* of the country. Lexicography, going beyond

[1] Gibbon, Roman Empire, Chap. LV. Vol. X. p. 190.

this historical illustration, announces that "most probably the original meaning was *independent, free*," [1] thus making the slave distinctively the freeman. In the revolutions of society, and among the compensations of Providence for long-continued degradation, the slave might yet regain this original ascendency, if, in an era of justice, the highest condition were not where all are equal in rights.

SLAVERY IN ANTIQUITY.

SLAVERY was universally recognized by the nations of antiquity. It is said by Pliny, in bold phrase, that the Lacedæmonians "invented slavery." [2] If this were so, the glory of Lycurgus and Leonidas would not compensate for such a blot. It is true that they recognized it, and gave it a shape of peculiar hardship. But slavery is older than Sparta. It existed in the tents of Abraham; for the three hundred and eighteen servants born to him were slaves. We behold it in the story of Joseph, who was sold by his brothers to the Midianites for twenty pieces of silver. [3] We find it in the poetry of Homer, who stamps it with a reprobation which even the Christian Cowper has hardly surpassed, when he says, —

> "Jove fixed it certain that whatever day
> Makes man a slave takes half his worth away." [4]

[1] Webster, Dictionary, word *Slave*.

[2] "*Servitium invenere Lacedæmonii*." Nat. Hist., Lib. VII. c. 57.

[3] Genesis xiv. 14; Ibid. xxxvii. 28. By these and other texts of the Scriptures, slavery, and even the *slave-trade*, have been vindicated. See Bruce's Travels in Africa, Book II. Ch. 2, Vol. II. p. 319. After quoting these texts, the complacent traveller says he "cannot think that purchasing slaves is in itself either cruel or unnatural."

[4] Odyssey, tr. Pope, Book XVII., 392, 393.

In later days it prevailed extensively in Greece, whose haughty people deemed themselves justified in enslaving all who were strangers to their manners and institutions. "It is right for Greeks to rule barbarians," was the sentiment of Euripides, one of the first of her poets, echoed by Aristotle, the greatest of her intellects.[1] And even Plato, in his imaginary Republic, the Utopia of his beautiful genius, sanctions slavery. But notwithstanding these high names, we learn from Aristotle himself that there were persons in his day — pestilent Abolitionists of ancient Athens — who did not hesitate to maintain that liberty was the great law of Nature, and to deny any difference between master and slave, — declaring at the same time that slavery was founded upon violence, and not upon right, and that the authority of the master was unnatural and unjust.[2] "God sent forth all persons free; Nature has made no man a slave," [3] was the protest of one of these agitating Athenians against this great wrong. I am not in any way authorized to speak for any Anti-Slavery Society, even if this were the proper occasion; but I presume that this ancient Greek morality embodies substantially the

[1] Euripid., Iphig. in Taurid., 1400; Aristot., Polit., Lib. I. c. 1.

[2] Polit., Lib. I. c. 3. In like spirit are the words of the good Las Casas, when pleading before Charles the Fifth for the Indian races of America. "The Christian religion," he said, "is equal in its operation, and is accommodated to every nation on the globe. *It robs no one of his freedom, violates none of his inherent rights, on the ground that he is a slave by nature, as pretended*; and it well becomes your Majesty *to banish* so monstrous an oppression from your kingdoms in the beginning of your reign, that the Almighty may make it long and glorious." — Prescott, Conquest of Mexico, Vol. I. p. 379.

[3] A saying attributed by the Scholiast on Aristotle's Rhetoric to Alcidamas, a disciple of Gorgias of Leontini. See Aristotle's Ethics and Politics, tr. Gillies, Vol. II. p. 26.

principles maintained at their public meetings, — so far, at least, as they relate to slavery.

It is true, most true, that slavery stands on force and not on right. It is a hideous result of war, or of that barbarism in which savage war plays its conspicuous part. To the victor belonged the lives of his captives, and, by consequence, he might bind them in perpetual servitude. This principle, which has been the foundation of slavery in all ages, is adapted only to the rudest conditions of society, and is wholly inconsistent with a period of refinement, humanity, and justice. It is sad to confess that it was recognized by Greece; but the civilization of this famed land, though brilliant to the external view as the immortal sculptures of the Parthenon, was, like that stately temple, dark and cheerless within.

Slavery extended, with new rigors, under the military dominion of Rome. The spirit of freedom which animated the Republic was of that selfish and intolerant character which accumulated privileges upon the Roman citizen, while it heeded little the rights of others. But, unlike the Greeks, the Romans admitted in theory that all men are originally free by the Law of Nature; and they ascribed the power of masters over slaves, not to any alleged diversities in the races of men, but to the will of society.[1] The constant triumphs of their arms were signalized by reducing to servitude large bodies of subjugated people. Paulus Æmilius returned from Macedonia with an uncounted train of slaves, composed of persons in every sphere of life; and the camp of Lucullus in Pontus witnessed the sale of slaves for four drachmæ, or seventy-five cents, a head.

[1] Institut., Lib. I. Tit. 2.

Terence and Phædrus, Roman slaves, teach us that genius is not always quenched even by degrading bondage; while the writings of Cato the Censor, one of the most virtuous slave-masters in history, show the hardening influence of a system which treats human beings as cattle. "Let the husbandman," says Cato, "sell his old oxen, his sickly cattle, his sickly sheep, his wool, his hides, his old wagon, his old implements, *his old slave, and his diseased slave;* and if there is anything else not wanted, let him sell it. *He should be seller, rather than buyer.*"[1]

The cruelty and inhumanity which flourished in the Republic professing freedom enjoyed a natural home under Emperors who were the high-priests of despotism. Wealth increased, and with it the multitude of slaves. Some masters are said to have owned as many as ten thousand, while extravagant prices were often paid for them, according to fancy or caprice. Martial mentions handsome boys sold for as much as two hundred thousand sesterces each, or more than eight thousand dollars.[2] On the assassination of Pedanius Secundus by one of his slaves, no less than four hundred were put to death,—an orator in the Senate arguing that these hecatombs were in accordance with ancient custom.[3]

It is easy to believe that slavery, which prevailed so largely in Greece and Rome, must have existed in Africa. Here, indeed, it found a peculiar home. If we trace the progress of this unfortunate continent from those distant days of fable when Jupiter did not

> "disdain to grace
> The feasts of Æthiopia's blameless race,"[4]

[1] De Re Rustica, Cap. II.
[2] Epig. III. 62.
[3] Tacitus, Ann., XIV. 43.
[4] Iliad, tr. Pope, Book I., 556, 557.

the merchandise in slaves will be found to have contributed to the abolition of two hateful customs, once universal in Africa, — the eating of captives, and their sacrifice to idols. Thus, in the march of civilization, even the barbarism of slavery is an important stage of Human Progress. It is a point in the ascending scale from cannibalism.

SLAVERY IN MODERN TIMES.

In the early periods of modern Europe slavery was a general custom, which yielded only gradually to the humane influences of Christianity. It prevailed in all the countries of which we have any records. Fair-haired Saxon slaves from distant England arrested the attention of Pope Gregory in the markets of Rome, and were by him hailed as *Angels*. A law of so virtuous a king as Alfred ranks slaves with horses and oxen; and the Chronicles of William of Malmesbury show that in our mother country there was once a cruel slave-trade in whites. As we listen to this story, we shall be grateful again to that civilization which renders such outrage more and more impossible. "Directly opposite to the Irish coast," he says, "there is a seaport called Bristol, the inhabitants of which frequently sent into Ireland to sell those people whom they had bought up throughout England. They exposed to sale girls in a state of pregnancy, with whom they made a sort of mock marriage. There you might see with grief, fastened together by ropes, whole rows of wretched beings of both sexes, of elegant forms, and in the very bloom of youth, — a sight sufficient to excite pity even in barbarians, — daily offered

for sale to the first purchaser. Accursed deed! infamous disgrace! that men, acting in a manner which brute instinct alone would have forbidden, should sell into slavery their relations, nay, even their own offspring!"[1] From still another chronicler we learn, that, in 1172, when Ireland was afflicted with public calamities, there was a great assembly of the principal men, *chiefly of the clergy*, who concluded, as well they might, that these evils were sent upon their country for the reason that they had formerly purchased English boys as slaves, contrary to the right of Christian liberty, — the poor English, to supply their wants, being "accustomed to sell even their own children, not to bring them up": wherefore, it is said, the English slaves were allowed to depart in freedom.[2] Earlier in Irish history a boy was stolen from Scotland, who, after six years of bondage, succeeded in reaching his home, when, entering the Church, he returned to Ireland, preached Christianity, and, as St. Patrick, became the patron saint of that beautiful land.[3]

On the Continent of Europe, as late as the thirteenth century, the custom prevailed of treating all captives in war as slaves. Here poetry, as well as history, bears its testimony. Old Michael Drayton, in his story of the Battle of Agincourt, says of the French: —

> "For knots of cord to every town they send,
> The captived English that they caught to bind;
> *For to perpetual slavery they intend*
> *Those that alive they on the field should find.*"[4]

[1] Life of St. Wulstan, Book II. Chap. 20.

[2] Chronica Hiberniæ, or the Annals of Philip Flatsbury (in the Cottonian Library, Domitianus XVIII. 10); quoted in Stephen on West India Slavery, Vol. I. p. 6.

[3] Biographie Générale (Hoefer), Art. *Patrice*.

[4] Battle of Agincourt, st. 144.

And Othello, in recounting his perils, exposes this custom, when he speaks

> "Of being taken by the insolent foe
> *And sold to slavery*; of my redemption thence."

It was also held lawful to enslave an infidel, or person who did not receive the Christian faith. The early Common Law of England doomed heretics to the stake; the Catholic Inquisition did the same; and the laws of Oléron, the maritime code of the Middle Ages, treated them "as dogs," to be attacked and despoiled by all true believers. Philip le Bel of France, grandson of St. Louis, in 1296 presented his brother Charles, Count of Valois, with a Jew, and paid three hundred livres for another Jew, — as if Jews were at the time chattels, to be given away or bought.[1] The statutes of Florence, boastful of freedom, as late as 1415 allowed republican citizens to hold slaves not of the Catholic Christian faith, — *Qui non sunt Catholicæ fidei et Christianæ*.[2] Besides captive Moors, there were African slaves in Spain, before Christopher Columbus; and at Venice Marco Polo for some time held a slave he had brought from the Orient in the age of Dante. The comedies of Molière, *L'Étourdi* and *Le Sicilien*, depicting Italian usages not remote from his day, show that at Messina even Christian women continued to be sold as slaves.

This rapid sketch, which brings us down to the period when Algiers became a terror to the Christian nations, renders it no longer astonishing that the barbarous States of Barbary — a part of Africa, the great womb of slavery, professing Mahometanism, which not only

[1] Encyclopédie Méthodique (Jurisprudence), Art. *Esclavage*.

[2] Biot, De l'Abolition de l'Esclavage Ancien en Occident, p. 440, — a work crowned with a gold medal by the Institute of France, which will be read with some disappointment.

recognizes slavery, but expressly ordains "chains and collars" to infidels[1] — should maintain the traffic in slaves, particularly in Christians, denying the faith of the Prophet. In the duty of constant war upon unbelievers, and in the assertion of right to the service or ransom of their captives, they followed the lessons of Christians themselves.

It is not difficult, then, to account for the origin of this cruel custom. Its *history* forms our next topic.

II.

HISTORY OF WHITE SLAVERY.

THE Barbary States, after the decline of the Arabian power, were enveloped in darkness, rendered more palpable by increasing light among the Christian nations. At the twilight of European civilization they appear to be little more than scattered bands of robbers and pirates, "land-rats and water-rats" of Shylock, leading the lives of Ishmaelites. Algiers is described by an early writer as "a den of sturdy thieves formed into a body, by which, after a tumultuary sort, they govern,"[2] — and by still another writer, contemporary with the monstrosity which he exposes, as the "theatre of all crueltie and sanctuarie of iniquitie, holding captive, in miserable servitude, one hundred and twentie thousand Christians, almost all subjects of the king of Spaine."[3] Their habit of enslaving prisoners captured in war and piracy arousing at last the sacred animosities of Christen-

[1] Koran, Chap. LXXVI.

[2] A Discourse concerning Tangier: Harleian Miscellany, Vol. V. p. 522.

[3] Purchas's Pilgrims, Vol. II. p. 1565.

dom, Ferdinand the Catholic, after the conquest of Granada, and while the boundless discoveries of Columbus, giving to Castile and Leon a new world, still occupied his mind, found time to direct an expedition into Africa, under the military command of that great ecclesiastic, Cardinal Ximenes. It is recorded that this valiant soldier of the Church, on effecting the conquest of Oran, in 1509, had the inexpressible satisfaction of liberating three hundred Christian slaves.[1]

To stay the progress of the Spanish arms the government of Algiers invoked assistance from abroad. Two brothers, Horuc and Hayradin, sons of a potter in the island of Lesbos, had become famous as corsairs. In an age when the sword of the adventurer often carved a higher fortune than could be earned by lawful exertion, they were dreaded for abilities, hardihood, and power. To them Algiers turned for aid. The corsairs left the sea to sway the land, — or rather, with amphibious robbery, took possession of Algiers and Tunis, while they continued to prey upon the sea. The name of Barbarossa, by which they are known to Christians, is terrible in modern history.[2]

MILITARY EXPEDITIONS AGAINST WHITE SLAVERY.

With pirate ships they infested the seas, and spread their ravages along the coasts of Spain and Italy, until Charles the Fifth was aroused to undertake their overthrow. The various strength of his broad dominions was rallied in this new crusade. "If the enthusiasm,"

[1] Prescott, History of Ferdinand and Isabella, Vol. III. p. 308. Purchas's Pilgrims, Vol. II. p. 813.

[2] Robertson, History of Charles the Fifth, Book V. Haedo, Historia de Argel, Epitome de los Reyes de Argel.

says Sismondi, "which had armed the Christians in the old Crusades was nearly extinct, a new sentiment, more rational and legitimate, united the vows of Europe with the efforts of Charles against the infidels. The object was no longer to reconquer the tomb of Christ, but to defend the civilization, the liberty, the lives of Christians." [1] A stanch body of infantry from Germany, veterans of Spain and Italy, the flower of the Spanish nobility, knights of Malta, with a fleet of near five hundred vessels, contributed by Italy, Portugal, and even distant Holland, commanded by Andrew Doria, the great sea-officer of the age, — the whole under the immediate eye of the Emperor himself, with the countenance and benediction of the Pope, and composing one of the most complete armaments which the world had hitherto seen, — were directed upon Tunis. Barbarossa opposed them bravely, but with unequal forces. While slowly yielding to attack from without, his defeat was hastened by unexpected uprising within. Confined in the citadel were many Christian slaves, who, asserting the rights of freedom, obtained a bloody emancipation, and turned its artillery against their former masters. The place yielded to the Emperor, whose soldiers soon surrendered to the inhuman excesses of war. The blood of thirty thousand innocent inhabitants reddened his victory. Amidst these scenes of horror there was but one spectacle that afforded any satisfaction to the imperial conqueror. It was that of ten thousand Christian slaves rejoicing in emancipation, who met him as he entered the town, and, falling on their knees, thanked him as their deliverer. [2]

[1] Histoire des Français, Tom. XVII. pp. 101, 102.
[2] Robertson, History of Charles the Fifth, Book V.

In the treaty of peace which ensued, it was expressly stipulated on the part of Tunis, that all Christian slaves, of whatever nation, should be set at liberty without ransom, and that no subject of the Emperor should for the future be detained in slavery.[1]

The apparent generosity of this undertaking, the magnificence with which it was conducted, and the success with which it was crowned drew to the Emperor the homage of his age beyond any other event of his reign. Twenty thousand slaves freed by treaty or by arms diffused through Europe the praise of his name. It is probable that in this expedition the Emperor was governed by motives little higher than vulgar ambition and fame; but the results by which it was emblazoned, in the emancipation of so many fellow-Christians from cruel chains, place him, with Cardinal Ximenes, among the earliest Abolitionists of modern times.

This was in 1535. Only a few short years before, in 1517, he conceded to a Flemish courtier the exclusive privilege of importing into the West Indies four thousand blacks from Africa. It is said that Charles lived long enough to repent what he had thus inconsiderately done.[2] Certain it is, no single concession of king or emperor recorded in history has produced such disastrous far-reaching consequences. The Fleming sold his monopoly to a company of Genoese merchants, who organized a systematic traffic in slaves between Africa and America. Thus, while levying a mighty force to check the piracies of Barbarossa, and to procure the abolition of Christian slavery in Tunis, the

[1] Robertson, History of Charles the Fifth, Book V.

[2] Clarkson, History of the Abolition of the Slave-Trade, Vol. I. p. 33.

Emperor, with criminal inconsistency, laid the corner-stone of a new slavery, in comparison with which the enormity he warred against was trivial and fugitive.

Elated by the conquest of Tunis, filled also with the ambition of subduing all the Barbary States, and of extirpating Christian slavery, the Emperor in 1541 directed an expedition of singular grandeur against Algiers. The Pope tardily joined his influence to the martial array. But Nature proved stronger than Pope and Emperor. Within sight of Algiers a sudden storm shattered his proud fleet, and he was driven back to Spain, discomfited, with none of those trophies of emancipation with which his former expedition was crowned.[1]

The power of the Barbary States was now at its height. Their corsairs became the scourge of Christendom, while their much dreaded system of slavery assumed a front of new terror. Their ravages were not confined to the Mediterranean. They entered the ocean, and penetrated even to the Straits of Dover and St. George's Channel. From the chalky cliffs of England, and from the remote western coasts of Ireland, unsuspecting inhabitants were swept into cruel captivity.[2] The English government was aroused against

[1] Robertson's Charles the Fifth, Book VI. A lamentable and piteous Treatise, verye necessarye for euerie Christen Manne to reade, wherin is contayned, not onely the high Entreprise and Valeauntnes of Themperour Charles the v. and his Army (in his Voyage made to the Towne of Argier in Affrique, etc.) Truly and dylygently translated out of Latyn into Frenche, and out of Frenche into English, 1542: Harleian Miscellany, Vol. IV. p. 504.

[2] Guizot, Histoire de la Révolution d'Angleterre, Liv. II. Tom. I. p. 78. Strafford's Letters and Dispatches, Vol. I. p. 68. Sir George Radcliffe, the friend and biographer of the Earl, boasts that the latter "secured the seas from piracies, so as only one ship was lost at his first coming [as Lord Lieutenant to Ireland], and no more all his time; whereas every year

these atrocities. In 1620, a fleet of eighteen ships, under the command of Sir Robert Mansel, Vice-Admiral, was despatched to punish Algiers. It returned without being able, in the language of the times, to "destroy those hellish pirates," though it obtained the liberation of "some forty poore captives, which they pretended was all they had in the towne." Purchas records, that the English fleet was indebted for information to "a Christian captive, which did swimme from the towne to the ships."[1] Not in this respect only does this expedition recall that of Charles the Fifth, which received important assistance from rebel slaves; we observe also a similar inconsistency in the government which directed it. It was in the year 1620, — dear to all the descendants of the Pilgrims of Plymouth Rock as an epoch of freedom, — while an English fleet was seeking the emancipation of Englishmen held in bondage by Algiers, that African slaves were first introduced into the English colonies of North America,[2] thus beginning that dreadful system whose long catalogue of humiliation and woes is not yet complete.

The expedition against Algiers was followed, in 1637, by another against Sallee, in Morocco. Terrified by its approach, the Moors desperately transferred a thousand captives, British subjects, to Tunis and Algiers. "Some

before, not only several ships and goods were lost by robbery at sea, but also Turkish men-of-war usually landed and *took prey of men to be made slaves*." — Ibid., Vol. II. p. 434

[1] Purchas's Pilgrims, Vol. II. pp. 881 – 886. Southey, Naval History of England, Vol. V. pp. 60 – 63. There was a publication specially relating to this expedition, entitled "Algiers Voyage, in a Journall, or briefe Reportary of all Occurrents hapning in the Fleet of Ships sent out by the Kinge his most excellent Majestie, as well against the Pirates of Algiers as others," London, 1621, 4to.

[2] Bancroft, History of the United States, Vol. I. p. 189.

Christians that were slaves ashore, who stole away out of the town and came swimming aboard," together with intestine feud, aided the fleet, and the cause of emancipation speedily triumphed.[1] Two hundred and ninety Britons were released, and a promise was extorted from the enemy to redeem the wretched captives sold away to Tunis and Algiers. Shortly afterwards an ambassador from the King of Morocco visited England, and on his way through the streets of London to his audience at court was attended by "four Barbary horses led along in rich caparisons, and richer saddles, with bridles set with stones; also some hawks; *many of the captives whom he brought over going along afoot clad in white.*"[2] Every emancipated slave was a grateful witness to English prowess.

The importance attached to this achievement is inferred from the singular joy with which it was hailed in England. Though on a limited scale, it was nothing less than *a war of liberation.* Poet, ecclesiastic, and statesman now joined in congratulation. It inspired the Muse of Waller to a poem called "The Taking of Sallee," where the submission of the slaveholder is thus described: —

> "Hither he sends the chief among his peers,
> Who in his bark proportioned presents bears
> To the renowned for piety and force,
> *Poor captives manumised*, and matchless horse."

It gladdened Laud, and lighted with exultation the dark mind of Strafford. "For Sallee, the town is taken," said the Archbishop in a letter to the Earl, then in Ireland, "and all the captives at Sallee and Morocco delivered, — *as many, our merchants say, as, according to the price*

[1] Journal of the Sallee Fleet: Osborne's Voyages, Vol. II. p. 493. See also Mrs. Macaulay's History of England, Chap. IV. Vol. II. p. 219.

[2] Strafford's Letters and Despatches, Vol. II. pp. 86, 116, 129.

of the market, come to ten thousand pounds at least."[1] Strafford saw in the popularity of this triumph fresh opportunity to commend the tyrannical designs of Charles the First. "This action of Sallee," he wrote in reply to the Archbishop, "I assure you, is full of honor, will bring great content to the subject, and should, methinks, *help much towards the ready, cheerful payment of the shipping moneys.*"[2] Thus was this act of emancipation linked with one of the most memorable events of English history.

The coasts of England were now protected; but her subjects at sea continued the prey of Algerine corsairs, who, according to the historian Carte, now "carried their English captives to France, *drove them in chains overland to Marseille, to ship them thence with greater safety for slaves to Algiers.*"[3] The increasing troubles which distracted the reign of Charles the First, and finally brought his head to the block, could not divert attention from the sorrows of Englishmen, victims to Mahometan slave-drivers. At the height of the struggle between King and Parliament, an earnest voice was raised in behalf of these fellow-Christians in bonds. Edmund Waller, who was orator as well as poet, speaking in Parliament in 1641, said, "By the many petitions which we receive from the wives of those miserable captives at Algiers (being between four or five thousand of our countrymen) it does too evidently appear that to make us slaves at home is not the way to keep us from being made slaves abroad."[4]

[1] Strafford's Letters and Despatches, Vol. II. p. 131.
[2] Ibid., p. 138.
[3] History of England, Book XXII. Vol. IV. p. 231.
[4] Works, p. 270.

Publications pleading their cause are yet extant, bearing date 1637, 1640, 1642, and 1647.[1] The overthrow of an oppression so justly odious formed a worthy object for the imperial energies of Cromwell; and in 1655, when, amidst the amazement of Europe, the English sovereignty settled upon his Atlantean shoulders, he directed into the Mediterranean a navy of thirty ships, under the command of Admiral Blake. This was the most powerful English force which had sailed into that sea since the Crusades.[2] Its success was complete. "General Blak," said one of the foreign agents of Government, "has ratifyed the articles of peace at Argier, and included therein Scotch, Irish, Jarnsey and Garnsey-men, and all others the Protector's subjects. He has lykewys redeemed from thence al such as wer captives ther. *Several Duch captives swam aboard the fleet, and so escape theyr captivity.*"[3] Tunis, as well as Algiers, was humbled; all British captives were set at liberty; and the Protector, in his remarkable speech at the opening of Parliament, announced

[1] Compassion towards Captives: urged and pressed in Three Sermons on Heb. xiii. 3, by Charles Fitz-Geffry, Oxford, 1637. Libertas, or Reliefe to the English Captives in Algier, by Henry Robinson, London, 1642. Letters relating to the Redemption of the Captives in Argier and Tunis, by Edmond Cason, London, 1647. A Relation of Seven Years Slavery under the Turks of Algier, suffered by an English Captive Merchant, etc., together with a Description of the Sufferings of the Miserable Captives under that Merciless Tyranny, etc., by Francis Knight, London, 1640. The last publication is preserved in the Collection of Voyages and Travels by Osborne, Vol. II. pp. 465–489.

[2] Hume says, "No English fleet, except during the Crusades, *had ever before sailed in those seas.*" (History of England, Chap. LXI. Vol. VII. p. 529.) He forgot the expedition of Sir Robert Mansel, already mentioned (*ante*, p. 408), which was elaborately debated in the Privy Council as early as 1617, three years before it was finally undertaken, and was the subject of a special work. See Southey's Naval History of England, Vol. V. pp. 149–157.

[3] Thurloe's State Papers, Vol. III. p. 527.

peace with the "profane" nations in that region.[1] To my mind no single circumstance gives higher impression of that vigilance with which the Protector guarded his subjects than this effort, to which may be applied the "smooth" line of Waller, —

> "telling dreadful news
> To all that piracy and rapine use."[2]

His vigorous sway was succeeded by the voluptuous tyranny of Charles the Second, inaugurated by an unsuccessful expedition against Algiers under Lord Sandwich. This was soon followed by another, with more favorable result, under Admiral Lawson.[3] Then came a treaty, bearing date May 3, 1662, by which the piratical government stipulated, "that all subjects of the king of Great Britain, now slaves in Algiers, or any of the territories thereof, shall be set at liberty, and released, upon paying the price they were first sold for in the market; and for the time to come no subjects of His Majesty shall be bought or sold, or made slaves of, in Algiers or its territories."[4] This seems to have been short-lived. Other expeditions ensued, and other treaties in 1664, 1672, 1682, and 1686, — showing, by their constant iteration, the little impression produced upon these barbarians.[5] Insensible to justice and freedom, how could they be faithful to stipulations in restraint of robbery and slaveholding?

Legislation turned aside in behalf of these captives. The famous statute of the forty-third year of Queen Elizabeth for charitable uses designates among proper

[1] Carlyle's Letters and Speeches of Cromwell, Part IX. Speech V. Vol. II. p. 235.

[2] Panegyric to my Lord Protector, st. 9.

[3] Rapin, History of England, Book XXIII. Vol. II. pp. 858, 864.

[4] Recueil des Traitez de Paix, Tom. IV. p. 43.

[5] Ibid., pp. 307, 476, 703, 756.

objects the "relief or redemption of prisoners or captives," meaning especially, according to recent judicial decision, those suffering in the Barbary States. A bequest by Lady Mico, in 1670, "to redeem poor slaves in what manner the executors should think convenient," came under review as late as 1835, when slavery in the Barbary States was already dead, and the British Act of Emancipation had commenced its operation in the West Indies; but the court sanctioned the application of the fund to the education of the Africans whose freedom was then beginning.[1] Thus was a charity originally inspired by sympathy for white slaves applied to the benefit of black.

During a long succession of years, complaints of English captives continued. In 1748 an indignant soul found expression in these words: —

> "O, how can Britain's sons regardless hear
> The prayers, sighs, groans (immortal infamy!)
> Of fellow-Britons, with oppression sunk,
> In bitterness of soul demanding aid,
> Calling on Britain, their dear native land,
> The land of liberty?"[2]

But during all this time the slavery of blacks, transported to the colonies under British colors, continued also!

Meanwhile France plied Algiers with embassies and bombardments. In 1635 three hundred and forty-seven Frenchmen were captives there. M. de Samson was dispatched on an unsuccessful mission for their liberation. They were offered to him "for the price they were sold for in the market"; but this he refused to pay.[3]

[1] Attorney-General *v.* Gibson, 2 Beav. R. 317, note.

[2] The Gentleman's Magazine, Vol. XVIII. p. 531.

[3] Relation of Seven Years Slavery under the Turks of Algier: Osborne's Voyages, Vol. II. p. 468.

Two years later, M. de Manti, who was called "that noble captain, and glory of the French nation," was sent "with fifteen of his king's ships, and a commission to enfranchise the French slaves." He also returned, leaving his countrymen still in captivity.[1] Treaties followed, hastily concluded, and abruptly broken, till at last Louis the Fourteenth, in the pride of power, did for France what Cromwell had done for England. Algiers, twice bombarded[2] in 1683, sent deputies to sue for peace, and to surrender all her Christian slaves. Tunis and Tripoli made the same submission. Voltaire, with his accustomed point, says that by this transaction the French became respected on the coast of Africa, where they had before been known only as slaves.[3]

An unhappy incident is mentioned by the historian, which attests how little the French at that time, even while engaged in securing the redemption of their own countrymen, cared for the cause of general freedom. An officer of the triumphant fleet, receiving the Christian slaves surrendered to him, observed among them many English, who, with national vainglory, maintained that they were set at liberty out of regard to the king of Eng-

[1] Relation of Seven Years Slavery: Osborne's Voyages, Vol. II. p. 470.

[2] In the melancholy history of war, this is remarked as the earliest instance of *bombarding* a town. Sismondi, who never fails to regard the past in the light of humanity, remarks, that "Louis the Fourteenth was the first to put in practice the atrocious method, newly invented, of bombarding towns, — of burning them, not to take them, but to destroy them, — *of attacking, not fortifications, but private houses, not soldiers, but peaceable inhabitants, women and children, — and of confounding thousands of private crimes, each one of which would cause horror, in one great public crime, one great disaster, which he regarded only as one of the catastrophes of war.*" (Histoire des Français, Tom. XXV. p. 452.) How much of this is justly applicable to the recent sacrifice of women and children by forces of the United States at Vera Cruz! Algiers was bombarded in the cause of *freedom*; Vera Cruz, to extend *slavery!*

[3] Siècle de Louis XIV., Chap. XIV.

land. At once the Frenchman summoned the Algerines, and, returning the foolish captives into their hands, said: "These people pretend that they have been delivered in the name of their monarch. Mine does not take the liberty to offer them his protection. I return them to you. It is for you to show what you owe to the king of England."[1] The Englishmen were hurried again to prolonged slavery. The power of Charles the Second was impotent in their behalf, as was the sense of justice and humanity in the French officer or the Algerine slave-masters.

I cannot pause to develop the course of other efforts by France; nor can I dwell upon the determined conduct of Holland, one of whose greatest naval commanders, Admiral de Ruyter, in 1661, enforced at Algiers the emancipation of several hundred Christian slaves.[2] The inconsistency which we have before remarked appears also in these two powers. Both, while using their best endeavors for the freedom of their white people, were cruelly engaged selling blacks into distant American slavery,— as if every word of reprobation fastened upon the piratical, slave-driving Algerines did not return in eternal judgment against themselves.

REDEMPTION OF WHITE SLAVES.

Thus far I have followed the history of military expeditions. War has been our melancholy burden. But peaceful measures were employed to procure the *redemption* of slaves, and money sometimes accomplished what was vainly attempted by the sword. In furtherance of

[1] Voltaire, Siècle de Louis XIV., Chap. XIV.
[2] Gentleman's Magazine, Vol. XVIII. p. 441.

this object, missions were often sent which could not be disregarded. These sometimes had a formal diplomatic organization; sometimes they consisted of fathers of the Church, who held it a sacred office to open the prison-doors and let the captives go free.[1] It was through the intervention of superiors of the Order of the Holy Trinity, dispatched to Algiers by Philip the Second of Spain, that Cervantes obtained his ransom, in 1580.[2] Expeditions of commerce often served to promote similar designs of charity; and England, forgetting or distrusting all her sleeping thunder, sometimes condescended to barter articles of merchandise for the liberty of her subjects.[3]

Private effort often secured the liberation of slaves. Friends at home naturally exerted themselves, and many families were straitened by generous contributions for

[1] To the relations of these missions we are indebted for works of interest on the Barbary States, some of which I am able to mention. Busnot, *Histoire du Règne de Muley Ismael*, à Rouen, 1714. This is by a father of the Holy Trinity, and was translated into English. J. B. de la Faye, *Relation, en Forme de Journal, du Voyage aux Royaumes de Tunis et d'Alger pour la Rédemption des Captifs*. à Paris, 1726. *Voyage to Barbary for the Redemption of Captives in* 1720, *by the Mathurin-Trinitarian Fathers*, London, 1735. This is a translation from the French. Braithwaite's *History of the Revolutions in the Empire of Morocco*, London, 1729. This contains a journal of the mission of John Russel, Esq., from the English government, to obtain the liberation of slaves in Morocco. The expedition was thoroughly equipped. "The Moors," says the author, "find plenty of everything but drink, but for that the English generally take care of themselves; for, besides chairs, tables, knives, forks, plates, table-linen, &c., we had two or three mules loaded with wine, brandy, sugar, and utensils for punch." — p. 82.

[2] Roscoe, Life of Cervantes, p. 43.

[3] Witness an illustrative record. "The following goods, designed as a present from his Majesty to the Dey of Algiers, to redeem near one hundred English captives lately taken, were entered at the custom-house, viz.: 20 pieces of broadcloth, 2 pieces of brocade, 2 pieces of silver tabby, 1 piece of green damask, 8 pieces of Holland, 16 pieces of cambric, a gold repeating watch, 4 silver ditto, 20 pound of tea, 300 of loaf-sugar, 5 fusees, 5 pair of pistols, an escrutoire, 2 clocks, and a box of toys." — Gentleman's Magazine, 1784, Vol. IV. p. 104.

this purpose. The widowed mother of Cervantes sacrificed the entire pittance that remained to her, including the dowry of her daughters, to aid the emancipation of her son. An Englishman, of whose doleful captivity there is a record in the memoirs of his son, obtained his redemption through the earnest efforts of his wife at home. "She resolved," says the story, "to use all the means that lay in her power for his freedom, though she left nothing for herself and children to subsist upon. She was forced to put to sale, as she did, some plate, gold rings, and bracelets, and some part of her household goods, to make up his ransom, which came to about one hundred and fifty pounds sterling." [1] In 1642 four French brothers were ransomed at the price of six thousand dollars. At this same period the sum exacted for the poorest Spaniard was "a thousand shillings," while the Genoese, "if under twenty-two years of age, were freed for a hundred pounds sterling." [2] These charitable efforts were aided by the co-operation of benevolent persons. George Fox interceded for several Quakers, slaves in Algiers, writing "a book to the Grand Sultan and the king at Algiers, wherein he laid before them their indecent behavior and unreasonable dealings, showing them from their Alcoran that this displeased God, and that Mahomet had given them other directions." Here was the customary plainness of the Quaker. Some time elapsed before an opportunity was found to redeem them; "but in the mean while they so faithfully served their masters, that they were suffered to go loose through the town, without being chained or fettered." [3]

[1] Memoirs of Abraham Brown, MS.

[2] Relation of Seven Years Slavery: Osborne's Voyages, Vol. II. p. 489.

[3] Sewel's History of the Quakers, p. 397.

As early as the thirteenth century, under the sanction of Pope Innocent the Third, an important association was organized to promote emancipation. This was known as the *Society of the Fathers of Redemption.*[1] During many successive generations its blessed labors were continued, amidst the praise and sympathy of generous men. History, undertaking to recount its origin, and filled with a grateful sense of its extraordinary merits, attributed it to the inspiration of an angel in the sky, clothed in resplendent light, holding a Christian captive in the right hand and a Moor in the left. The pious Spaniard who narrates the marvel earnestly declares that this institution of beneficence was the work, not of men, but of the great God alone; and he dwells, with more than the warmth of history, on the glory filling the lives of its associates, surpassing far that of a Roman triumph; for they share the name as well as the labors of the Redeemer of the world, to whose spirit they are heirs, and to whose works they are successors. "Lucullus," he says, "affirmed that it were better to liberate a single Roman from the hands of the enemy than to gain all their wealth; but how much greater the gain, more excellent the glory, and more than human is it to redeem a captive! For whosoever redeems him liberates him not alone from one death, but from death in a thousand ways, and those ever present, and also from a thousand afflictions, a thousand miseries, a thousand torments and fearful travails, more cruel than death itself."[2] The genius of Cervantes has left a record of his gratitude to this Antislavery Society,[3] — herald of others whose mission is not yet finished. Throughout

[1] Biot, De l'Abolition de l'Esclavage Ancien en Occident, p. 437.

[2] Haedo, Dialogo I. de la Captividad: Historia de Argel, pp 142–144.

[3] Roscoe, Life of Cervantes, p. 50. See his story of *Española Inglesa.*

Spain annual contributions for it continued to be taken during many years. Nor in Spain only did it awaken sympathy. In Italy and France also it labored successfully; and as late as 1748, inspired by a similar catholic spirit, if not by its example, a proposition appeared in England to "form a *society* to carry on the truly charitable design" of emancipating sixty-four English slaves in Morocco.[1]

CONSPIRACIES FOR FREEDOM.

WAR and ransom were not the only agents. Even if history were silent, it is impossible to suppose that slaves of African Barbary endured their lot without struggles for freedom.

> "Since the first moment they put on my chains,
> I 've thought of nothing but the weight of 'em,
> And how to throw 'em off." [2]

These are words of the slave in a play; but they express the natural inborn sentiments of all with intelligence to appreciate the precious boon of freedom. "Thanks be to God for so great mercies!" says the Captive in Don Quixote; "for in my opinion there is no happiness on earth equal to that of recovering lost liberty." [3] And plain Thomas Phelps, — once a slave at Mequinez in Morocco, whence, in 1685, he fortunately escaped, — narrating his adventures and sufferings, breaks forth in similar strain. "Since my escape," he says, "from captivity, and worse than Egyptian bondage, I have, methinks, enjoyed a hap-

[1] Gentleman's Magazine, Vol. XVIII. p. 413.

[2] Southerne, Oroonoko, Act III. Sc. 2. It is not strange that the antislavery character of this play rendered it unpopular at Liverpool, while prosperous merchants there were concerned in the slave-trade.

[3] Don Quixote, Part I. Book IV. Chap. 12.

piness with which my former life was never acquainted; now that, after a storm and terrible tempest, I have, by miracle, put into a safe and quiet harbor, after a most miserable slavery to the most unreasonable and barbarous of men, now that I enjoy the immunities and freedom of my native country and the privileges of a subject of England, although my circumstances otherwise are but indifferent, yet I find I am affected with extraordinary emotions and singular transports of joy; now I know what liberty is, and can put a value and make a just estimate of that happiness which before I never well understood. . . . . Health can be but slightly esteemed by him who never was acquainted with pain or sickness; and liberty and freedom are the happiness only valuable by a reflection on captivity and slavery."[1] Thus from every quarter gathers the cloud of witnesses.

The history of Algiers abounds in well-authenticated examples of *conspiracy against Government* by Christian slaves: so strong was the passion for escape. In 1531 and 1559 two separate schemes were matured, promising for a while entire success. The slaves were numerous; keys to open the prisons had been forged, and arms supplied; but the treachery of one of their number betrayed the plot to the Dey, who sternly doomed the conspirators to the bastinado and the stake. Cervantes, during his captivity, nothing daunted by disappointed efforts, and the terrible vengeance which attended them, conceived the plan of a general slave insurrection, with the overthrow of the Algerine power, and the surrender of the city to the Spanish crown. This was in accord

[1] True Account of the Captivity of Thomas Phelps: Osborne's Voyages, Vol. II. p. 500.

with that sentiment to which he gives such famous utterance in his writings, that "for liberty we ought to risk life itself, slavery being the greatest evil that can fall to the lot of man." [1] As late as 1763 there was a similar insurrection or conspiracy. "Last month," says a journal of high authority, "the Christian slaves at Algiers, to the number of four thousand, rose and killed their guards, and massacred all who came in their way; but after some hours' carnage, during which the streets ran with blood, peace was restored." [2] How truly is bloodshed the natural incident of slavery!

EFFORTS TO ESCAPE FROM SLAVERY.

THE struggles for freedom could not always assume the shape of conspiracy. They were often *efforts to escape*, sometimes in numbers and sometimes singly. The captivity of Cervantes was filled with such, where, though constantly balked, he persevered with courage and skill. On one occasion he attempted to escape by land to Oran, a Spanish settlement on the coast, but, being deserted by his guide, was compelled to return.[3] Another endeavor was promoted by Christian merchants at Algiers, through whose agency a vessel was actually purchased for this purpose. And still another was favored by a number of his own countrymen, hovering on the coast in a vessel from Majorca, who did not think it

[1] Roscoe, Life of Cervantes, pp. 32, 310, 311. In the same spirit Thomas Phelps says, "I looked upon my condition as desperate; my forlorn and languishing state of life, without any hope of redemption, appeared far worse than the terrors of a most cruel death." — Osborne's Voyages, Vol. II. p. 504.

[2] Annual Register, 1763, Vol. VI. p. 60].

[3] El Trato de Argel.

wrong to aid in the liberation of slaves. And this was supposed to be aided by a Spanish ecclesiastic, Father Olivar, who, being at Algiers for the ransom of slaves, could not resist the temptation to lend generous assistance to the struggles of fellow-Christians in bonds. He paid the bitter penalty which similar service to freedom has found elsewhere and in another age. He was seized by the Dey, and thrown into chains; for the Algerine government held it a high offence to further in any way the escape of a slave.[1]

Endeavors for freedom are animating; nor can any honest nature hear of them without a throb of sympathy. Dwelling on the painful narrative of unequal contest between tyrannical power and the crushed captive, we resolutely enter the lists on the side of freedom; and beholding the contest waged by a few individuals, or, perhaps, by one alone, our sympathy is given to his weakness as well as to his cause. To him we send the unfaltering succor of good wishes. For him we invoke vigor of arm to defend and fleetness of foot to escape. Human enactments are vain to restrain the warm tides of the heart. We pause with rapture on those historic scenes where freedom has been attempted or preserved through the magnanimous self-sacrifice of friendship or Christian aid. With palpitating bosom we follow Mary of Scotland in her midnight flight from the custody of her stern jailers; we accompany Grotius in his escape from prison, so adroitly promoted by his wife; we join Lavalette in his flight, aided also by his wife; and we offer our admiration and gratitude to Huger and Bollmann, who, unawed by the arbitrary ordinances

[1] Roscoe, Life of Cervantes, pp. 31, 33, 308, 309. See also Haedo, Historia de Argel, p. 185. I refer to Roscoe as the popular authority. His work is little more than a compilation from Navarrete and Sismondi.

of Austria, strove heroically, though vainly, to rescue Lafayette from the dungeons of Olmütz. The laws of Algiers, which sanctioned a cruel slavery, dooming to condign punishment all endeavors for freedom, and especially all countenance of such endeavors, can no longer prevent our sympathy with Cervantes, not less gallant than renowned, who strove so constantly and earnestly to escape his chains, — nor our homage to those Christians also who did not fear to aid him, and to the good ecclesiastic who suffered in his cause.[1]

The efforts to escape from slavery in the Barbary States, so far as they can be traced, are full of interest. Each, also, has its lesson for us at the present hour. The following is in the exact words of an early writer. "One John Fox, an expert mariner, and a good, approved, and sufficient gunner, was (in the raigne of Queene Elizabeth) taken by the Turkes, and kept eighteene yeeres in most miserable bondage and slavery; at the end of which time he espied his opportunity (and God assisting him withall), that hee slew his keeper, and fled to the sea's side, where he found a gally with one hundred and fifty captive Christians, which hee speedily waying their anchor, set saile, and fell to worke like men, and safely arrived in Spaone, by which meanes he freed himselfe and a number of poore soules from long and intolerable servitude; after which the said John Fox came into England, *and the Queene (being rightly informed of his brave exploit) did graciously entertaine him for her servant, and allowed him a yeerely pension.*"[2]

[1] At the time this Lecture was delivered, the Rev. Charles T. Torrey was a prisoner in the Penitentiary of Maryland, paying the penalty for aid to escaping slaves.

[2] Purchas's Pilgrims, Vol. II. p. 888.

There is also in the same early source a quaint description of what occurred to a ship from Bristol, captured by an Algerine corsair in 1621. The Englishmen were all taken out except four youths, over whom the Turks, as these barbarians are often called by early writers, put thirteen of their own men, to conduct the ship as prize to Algiers; and one of the pirates, "a strong, able, sterne, and resolute fellow," was appointed captain. "These foure poore youths," so the story proceeds, "being thus fallen into the hands of mercilesse infidels, began to studie and complot all the meanes they could for the obtayning of their freedomes. First, they considered the lamentable and miserable estates that they were like to be in, — as, to be debard for ever from seeing their friends and countrey, to be chained, beaten, made slaves, and to eate the bread of affliction in the gallies, all the remainder of their unfortunate lives, to have their heads shaven, to feed on course dyet, to have hard boords for beds, and, which was worst of all, never to be partakers of the heavenly word and sacraments. Thus being quite hopelesse, haplesse, and, for any thing they knew, for ever helplesse, they sayled five dayes and nights under the command of the pirats, when, on the fifth night, God, in his great mercy, shewed them a meanes for their wished for escape." A sudden wind arose, when, the captain coming to help take in the mainsail, two of the English youths "suddenly tooke him by the breech and threw him over-boord; but by fortune hee fell into the bunt of the sayle, where, quickly catching hold of a rope, he (being a very strong man) had almost gotten into the ship againe, which John Cooke perceiving leaped speedily to the pumpe and tooke off the pumpe brake or handle

and cast it to William Ling, bidding him knocke him downe, which he was not long in doing, but, lifting up the woodden weapon, he gave him such a palt on the pate as made his braines forsake the possession of his head, with which his body fell into the sea." The corsair slave-dealers were overpowered. The four English youths drove them "from place to place in the ship, and having coursed them from the poope to the forecastle, they there valiantly killed two of them, and gave another a dangerous wound or two, who, to escape the further fury of their swords, leap'd suddenly over-boord to goe seeke his captaine." The other nine Turks ran between-decks, where they were securely fastened. The English now directed their course to St. Lucas, in Spain, and "in short time (by Gods ayde) happily and safely arrived at the said port, *where they sold the nine Turkes for gally-slaves for a good summe of money, and, as I thinke, a great deale more then they were worth.*" "He that shall attribute such things as these to the arme of flesh and bloud," says the ancient historian, grateful for this triumph of freedom, "is forgetfull, ingratefull, and in a manner atheisticall." [1]

From the same authority I draw another narrative of singular success the following year. A company of Englishmen, being captured and carried into Algiers, were sold as slaves. These are the words of one of their number: "*The souldiers hurried us like dogs into the market, where as men sell hacknies in England we were tossed up and downe to see who would give most for us; and although we had heavy hearts and looked with sad countenances, yet many came to behold us, sometimes taking us by the hand, sometime turning us round about, sometimes feeling our brawnes*

[1] Purchas's Pilgrims, Vol. II. pp. 887, 888.

and naked armes, and so beholding our prices written in our breasts, they bargained for us accordingly, and at last we were all sold." Shortly afterward several were put on board an Algerine corsair. One of them, John Rawlins, who resembled Cervantes in the hardihood of his exertions for freedom, — as, like him, he had lost the use of a hand, — arranged an uprising on board. "'Oh hellish slaverie,'" he said, "'to be thus subject to dogs! Oh, God strengthen my heart and hand, and something shall be done to ease us of these mischiefes, and deliver us from these cruell Mahumetan dogs.' The other slaves, pittying his distraction (as they thought), bad him speake softly, lest they should all fare the worse for his distemperature. 'The worse,' (quoth Rawlins,) 'what can be worse? I will either attempt my deliverance at one time or another, or perish in the enterprise.'" Seizing an auspicious moment, nine English slaves, besides John Rawlins, with other English, French, and Hollanders, "in all foure and twenty and a boy," succeeded, after a bloody contest, in overpowering five-and-forty Turks. "When all was done," the story proceeds, "and the ship cleared of the dead bodies, John Rawlins assembled his men together, and with one consent gave the praise unto God, using the accustomed service on ship-boord, and, for want of bookes, lifted up their voyces to God, as he put into their hearts or renewed their memories; then did they sing a psalme, and, last of all, embraced one another for playing the men in such a deliverance, whereby our feare was turned into joy, and trembling hearts exhillirated, that we had escaped such inevitable dangers, and especially the slavery and terror of bondage worse then death it selfe. The same night we washed our ship, put every thing in as good order as we could, repaired the

broken quarter, set up the biticle, and bore up the helme for England, where by Gods grace and good guiding we arrived at Plimmoth the thirteenth of February." [1]

In 1685, Thomas Phelps and Edmund Baxter, Englishmen, accomplished their escape from captivity at Mequinez. The latter had made a previous unsuccessful attempt, which drew upon him the bastinado, disabling him from work for a twelvemonth; "but, notwithstanding, such was his love for Christian liberty," that he freely declared to his companion "that he would adventure with any fair opportunity." Here the story is like one of our own day. By devious paths, journeying in the darkness of night, and by day sheltering themselves in bushes or in the branches of fig-trees, they at length reached the sea. With imminent risk of discovery, they succeeded in finding a boat not far from Sallee. This they took without consulting the proprietor, and rowed to a distant ship, which, to their great joy, proved to be an English man-of-war. Making known the exposed situation of the Moorish ships at Mamora, they formed part of a night expedition in boats which boarded and burnt them. "One Moor," says the account, "we found aboard, who was presently cut in pieces; another was shot in the head, endeavoring to escape upon the cable. We were not long in taking in our shavings and tar-barrels, and so set her on fire in several places, she being very apt to receive what we designed; for there were several barrels of tar upon the deck, and she was newly tarred, as if on purpose. Whilst we were setting her on fire, we heard a noise of some people in the hold; we opened the skuttles, and thereby saved the lives of four Christians, three Dutch-men and one French, who told

[1] Purchas's Pilgrims, Vol. II. pp. 889–896.

us the ship on fire was admiral, and belonged to Aly-Hackum, and the other, which we soon after served with the same sauce, had the name of *Plummage Cortibe*, which was the very ship which in October last took me captive." The Englishman, once a captive, who tells this story, says it is "most especially to move pity for the afflictions of Joseph, to excite compassionate regard to those poor country-men now languishing in misery and irons, to endeavor their releasement." [1]

Even the non-resistance of Quakers, animated by zeal for freedom, contrived to baffle these slave-dealers. A ship in the charge of these Christians became the prey of Algerines; and the curious story is told, with details unnecessary here, of the manner in which the vessel was subsequently recaptured by the crew without loss of life. To complete this triumph, the slave-pirates were safely landed on their own shores, and allowed to go their way in peace, acknowledging with astonishment and gratitude this new application of the Christian injunction to do good to them that hate you. On the return, Charles the Second, being at Greenwich, and learning that "there was a Quaker ketch coming up the river, that had been taken by the Turks, and redeemed themselves without fighting," came to it in his barge, and there hearing "how they had let the Turks go free," said to the master, with the spirit of a slave-dealer, "You have done like a fool, for you might have had good gain for them." And to the mate he said, "You should have brought the Turks to me." "*I thought it better for them to be in their own country*," was the Quaker's reply. [2]

[1] A True Account of the Captivity of Thomas Phelps at Machiness in Barbary, and of his strange Escape, in Company of Edmund Baxter and others: Osborne's Voyages, Vol. II. pp. 499–510.

[2] Sewel, History of the Quakers, pp. 392–397.

These are English stories. But there is testimony also from France. A Catholic father furnishes a chapter entitled, "Of some Slaves that made their Escape"; and he begins by narrating the difficulties: how the slaves, before they start, secure the assistance of certain Moors, called *Metadores*, "who promise to conduct them among Christians for a sum agreed on"; how they journey all night, sheltering themselves during the day in woods, caves, or other retired places, always in dread, and anxiously awaiting the return of darkness to cover their movements; how the flight is long and wearisome, environed by perpetual hardship and peril; how, if alone, there is danger of death on the mountains, through hunger and thirst, or from lions and tigers; and how, if retaken, there is the fearful prospect of being burned or cruelly bastinadoed, with a constant weight of irons while at their daily toil. "But their torments and dangers," says the father, "are less dreadful than the thoughts of living all their days in that miserable slavery." [1]

Then comes the narrative of two Frenchmen who with incredible effort journeyed one hundred and fifty leagues, being on the road eighteen nights "without eating anything considerable," and were at last so near their liberty as to see a town belonging to the king of Portugal, making them forget their fatigues, when they were unhappily retaken, hurried back to their master, loaded with irons, and condemned to double labor. As they were studying a second escape, they were relieved by death, that constant friend of the slave. This narrative is followed by that of two other Frenchmen, who commenced their escape on the 2d of October, 1693,

[1] Busnot, History of the Reign of Muley Ismael, Chap. VII. p. 171.

"having no other guide than the North Star to direct their course." And here ensues that succession of trials which is the lot of the fugitive slave, all of which is told at length. There was peril in leaving the city and passing the outer guards; but when this was done, then came the desert, with its rocks and precipices, where they met "some tigers and many lions," making it hideous with their roaring; but worse than tiger or lion was the fiery thirst that pursued them; and worse than all was man, for it was from him that they feared most. They, too, found themselves in sight of the liberty they had sought with such pain, when, like their predecessors, they were retaken and hurried back. Asked why they had fled, they answered, "For the sake of liberty, and we are guilty of no other crime." Burdened with heavy chains, they were again put to work, with the threat of being burned alive, if they attempted the like again. But notwithstanding all this terrible experience and the menace of death by the flames, they made another attempt, "preferring," says the Catholic father, "all perils and hardships before the insupportable burden of their captivity." Again they failed, and were carried back to fearful torment, when at last they were ransomed by the mission in the name of the French monarch.[1]

In the current of time other instances occurred. A letter from Algiers, dated August 6, 1772, and preserved in the British Annual Register, furnishes the following story. "A most remarkable escape," it says, "of some Christian prisoners has lately been effected here, which will undoubtedly cause those that have not had that good fortune to be treated with the utmost rigor. On the morning of the 27th of July, the Dey

[1] Busnot, History of the Reign of Muley Ismael, p 184.

was informed that all the Christian slaves had escaped over-night in a galley. This news soon raised him, and, upon inquiry, it was found to have been a preconcerted plan. About ten at night, seventy-four slaves, who had found means to escape from their masters, met in a large square near the gate which opens to the harbor, and, being well armed, they soon forced the guard to submit, and, to prevent their raising the city, confined them all in the powder-magazine. They then proceeded to the lower part of the harbor, where they embarked on board a large rowing polacre, that was left there for the purpose, and, the tide ebbing out, they fell gently down with it, and passed both the forts. As soon as this was known, three large galleys were ordered out after them, but to no purpose. They returned in three days, with the news of seeing the polacre sail into Barcelona, where the galleys durst not go to attack her."[1]

The same historic authority records another triumph of freedom. "Forty-six captives," it says, at the date of September 3, 1776, "who were employed to draw stones from a quarry some leagues' distance from Algiers, at a place named Genova, resolved, if possible, to recover their liberty, and yesterday took advantage of the idleness and inattention of forty men who were to guard them, and who had laid down their arms, and were rambling about the shore. The captives attacked them with pick-axes and other tools, and made themselves masters of their arms; and having killed thirty-three of the forty, and eleven of the thirteen sailors who were in the boat which carried the stones, they obliged the rest to jump into the sea. Being then masters of the boat, and armed with twelve muskets,

[1] Annual Register, Vol. XV. p. 130].

two pistols, and powder, &c., they set sail, and had the good fortune to arrive here [at Palma, the capital of Majorca] this morning, where they are performing quarantine. Sixteen of them are Spaniards, seventeen French, eight Portuguese, three Italians, one a German, and one a Sardinian."[1] Here, as in other cases, I copy the precise language of the authority, without adding a word. These simple stories show how captives have escaped and the world has sympathized.

AMERICAN VICTIMS.

THUS far I have followed the efforts of European nations, and the struggles of European victims of White Slavery. I pass now to America, and to our own country. In the name of fellow-countryman there is a charm of peculiar power. The story of his sorrows will come nearer to our hearts, and, perhaps, to the experience of individuals or families among us, than the story of distant Spaniards, Frenchmen, or Englishmen. Nor are materials wanting.

In earliest days, while the Colonies yet contended with savage Indians, families were compelled to mourn the hapless fate of brothers, fathers, and husbands doomed to slavery in distant African Barbary. Five years after the landing at Plymouth, a returning ship, already "shot deep into the English Channel," was "taken by a Turks man-of-war and carried into Sallee, where the master and men were made slaves," while a consort ship with Miles Standish aboard narrowly escaped this fate.[2] In 1640, "one Austin, a man of good estate," returning discon-

[1] Annual Register, Vol. XIX. p. 176].

[2] Morton, New England's Memorial, p. 62.

tented to England from Quinipiack, now New Haven, on his way "was taken by the Turks, and Austin and his wife and family were carried to Algiers, and sold there for slaves."[1] Under date of 1671, in the diary of Rev. John Eliot, first minister of Roxbury and devoted apostle to the Indians, prefixed to the records of the church in that town, and still preserved in manuscript, these few words tell a story of sorrow: "We heard the sad and heavy tidings concerning the captivity of Captain Foster and his son at Sallee." From further entries it appears that they were redeemed after a bondage of three years. The same record shows other victims for whom the sympathies of the church and neighborhood were enlisted. Here is one: "20 10 1674. This Sabbath we had a public collection for Edward Howard, of Boston, to redeem him out of his sad Turkish captivity, in which collection was gathered 12*l.* 18*s.* 9*d.* which by God's favor made up the just sum desired." Not long after, at a date left uncertain, it appears that William Bowen "was taken by the Turks"; a contribution was made for his redemption, "and the people went to the public box, young and old, but, before the money could answer the end for which the congregation intended it," tidings came of the death of the unhappy captive, and the contribution was afterwards "improved to build a tomb for the town to inter their ministers."[2] Money collected for emancipation built the tomb of the Roxbury ministers.

Instances now thicken. A ship, sailing from Charlestown, in 1678, was taken by a corsair, and carried into Algiers, whence its passengers and crew never returned. They probably died in slavery. Among these was Dan-

[1] Winthrop's Journal, Vol. II. p. 12.
[2] Records of First Church in Roxbury, MS.

iel Mason, a graduate of Harvard University, and the earliest of that name on the Catalogue; also, James Ellson, the mate. The latter, in a testamentary letter to his wife, dated at Algiers, June 30, 1679, desires her to redeem out of captivity two of his companions.[1] At the same period, William Harris, a person of consequence in the Colony, an associate of Roger Williams in the first planting of Providence, and now in the sixty-eighth year of his age, sailing from Boston for England on public business, was also taken by a corsair and carried into Algiers. On the 23d February, 1679, this veteran, — older than the slaveholder Cato, when he learned Greek, — together with all the crew, was sold into slavery. The fate of his companions is unknown; but Mr. Harris, after bearing his doom more than a year, was redeemed at the cost of twelve hundred dollars, called by him "the price of a good farm." The feelings of the Colony, touched by these disasters, are concisely expressed in a private letter dated at Boston, November 10, 1680, where it is said: "The Turks have so taken our New England ships, richly loaden, homeward bound, that it is very dangerous to goe. Many of our neighbors are now in captivity in Argeer. The Lord find out some way for their redemption!"[2] This prayer may be repeated still.

In 1693 the subject found its way before the Governor and Council of Massachusetts, on a petition from the relations of two inhabitants "some time since taken by a Sallee man-of-war, and now under Turkish captivity and slavery," for permission "to ask and receive the charity and public contribution of well-disposed persons for re-

[1] Middlesex Probate Files, MS.

[2] William Gilbert to Arthur Bridge, MS.

deeming them out of their miserable suffering and slavery." The petition was granted on the condition, "The money so collected to be employed for the end aforesaid, unless the said persons happen to die before, make their escape, or be in any other way redeemed; then the money so gathered to be improved for the redemption of some others of this Province, that are or may be in like circumstances, as the Governor and Council shall direct."[1] Thus was the government of Massachusetts moved at that early day to emancipation.

Entering the next century, we meet a curious notice of a captive Bostonian. Under date of Tuesday, January 11, 1714, Chief-Justice Samuel Sewall, after describing in his journal a dinner with Mr. Gee, and mentioning the guests, among whom were Increase and Cotton Mather, adds: "It seems it was in remembrance of his landing this day at Boston, after his Algerine captivity. Had a good treat. Dr. Cotton Mather, in returning thanks, very well comprised many weighty things very pertinently."[2] Among the many weighty things very pertinently comprised by this eminent divine, it is hoped, was condemnation of slavery. Surely, he could not then have shrunk from giving utterance to that faith which preaches deliverance to the captive.

Leaving the imperfect records of colonial days, I descend at once to that period, almost in the light of our own times, when our National Government, justly careful of the liberty of its white citizens, was aroused to put forth all its power. The war of the Revolution closed with the acknowledgment of independence. The na-

[1] Council Records, fol. 323. See Jackson v. Phillips, 14 Allen's Rep. 559.

[2] Journal of Chief-Justice Samuel Sewall, MS.

tional flag, then freshly unfurled, and hardly known to the world, had little power to protect persons or property against outrages from the Barbary States. Within three years no less than ten American vessels became their prey. At one time an apprehension prevailed that Dr. Franklin was captured. "We are waiting," said one of his French correspondents, "with the greatest impatience to hear from you. The newspapers have given us anxiety on your account, for some of them insist that you have been taken by the Algerines, while others pretend that you are at Morocco, enduring your slavery with all the patience of a philosopher."[1] The property of our merchants was sacrificed. Insurance at Lloyd's in London could be had only at advanced rates, while it was difficult to obtain freight for American bottoms.[2] The Mediterranean trade was closed against our enterprise. To a people filled with the spirit of commerce, and bursting with new life, this in itself was disheartening; but the sufferings of unhappy fellow-citizens, captives in a distant land, awoke a feeling of a higher strain.

As from time to time these tidings reached America, a voice of horror and indignation swelled through the land. The slave-corsairs of African Barbary were branded sometimes as "infernal crews," sometimes as "human harpies."[3] This sentiment acquired new force, when, at two different periods, by the fortunate escape of captives, what seemed to be an authentic picture of their condition was presented to the world. The story

[1] M. Le Veillard to Dr. Franklin, October 9, 1785: Sparks's Franklin, Vol. X. p. 230.

[2] Boston Independent Chronicle, April 28, May 12, October 20, November 3, November 17, 1785; March 2, April 27, 1786.

[3] Ibid., May 18, 1786. Sparks's Franklin, Vol. IX. p. 507.

of these fugitives shows the hardships of their lot, and was at the bottom of the appeal soon made to the country with such effect.

The earliest of these escapes was in 1788, by a person originally captured in a vessel from Boston. It appears, that, on being carried into Algiers, he, with the rest of the ship's company, was exposed at public auction, whence he was sent to the country-house of his purchaser. Here for eighteen months he was chained to the wheelbarrow, and allowed only one pound of bread a day, during all which wretched period he had no opportunity of learning the fate of his companions. From the country he was removed to Algiers, where, in a numerous company of white slaves, he encountered three shipmates and twenty-six other Americans. After remaining for some time crowded together in the slave-prison, they were all distributed among the different galleys of the Dey. Our fugitive and eighteen other white slaves were put on board a xebec, carrying eight six-pounders and sixty men, which, while cruising on the coast of Malta, encountered an armed vessel of Genoa, and, after much bloodshed, was taken, sword in hand. Eleven of the unfortunate slaves, compelled to this unwelcome service in the cause of a tyrannical master, were killed before the triumph of the Genoese could deliver them from chains. Our countryman and the few remaining alive were at once set at liberty, and, it is said, "treated with that humanity which distinguishes the Christian from the barbarian."[1] Such is the testimony.

This escape was followed the next year by others, achieved under circumstances widely different. A ship

[1] Boston Independent Chronicle, Oct. 16, 1788. History of the War between the United States and Tripoli, pp. 59, 60.

from Philadelphia was captured near the Western Islands and taken into Algiers. The crew of twenty-two were doomed to bondage. The larger part were sent into the country and chained to work with mules. Others were put on board a galley and chained to the oars. The latter, tempted by facilities of position near the sea, made attempts to escape, which, for a time, proved fruitless. At last, love of freedom triumphing over suggestions of humanity, they rose upon their overseers, killing some and confining others, then, seizing a small galley of their masters, set sail for Gibraltar, where in a few hours they landed as freemen.[1] Thus, by killing their keepers and carrying off property not their own, did these fugitive white slaves achieve their liberty.

AMERICAN EFFORTS AGAINST WHITE SLAVERY.

Such stories could not be recounted in vain. Glimpses opened into the dread regions of Slavery gave a harrowing reality to all that conjecture or imagination pictured. It was, indeed, true, that our own white brethren, heirs to freedom newly purchased by precious blood, partakers in the sovereignty of citizenship, belonging to the fellowship of the Christian Church, were degraded to do the will of an arbitrary taskmaster, sold as beasts of the field, galled by manacle and driven by lash! It was true that they were held at market prices, and that their only chance of freedom was in the earnest, energetic, united efforts of their countrymen. It is not easy to comprehend the exact condition to which they were reduced. There is no reason to believe that it dif-

[1] History of the War between the United States and Tripoli, pp. 62, 63. American Museum, 1790, Part II. Vol. VIII. Appendix IV. pp. 4, 5.

fered materially from that of other captives in Algiers. Masters of vessels were lodged together, and indulged with a table by themselves, though a small iron ring was attached to one of their legs, to denote that they were slaves. Seamen were taught and obliged to work at the trade of carpenter, blacksmith, or stone-mason, from six in the morning till four in the afternoon, without intermission, except for half an hour at dinner.[1] Doubtless there is exaggeration in the accounts transmitted to us. It is, however, sufficient to know that they were slaves; nor is there any other human condition which, when barely mentioned, even without one word of description, so strongly awakens the sympathies of every just and enlightened lover of his race.

To secure their freedom, informal agencies were promptly established under the direction of our minister at Paris; and the *Society of Redemption* — whose beneficent exertions, commencing so early in modern history, were still continued — offered their aid. Our agents were blandly entertained by that great slave-dealer, the Dey of Algiers, who informed them that he was familiar with the exploits of Washington, and, never expecting to see him, expressed a hope, that, through Congress, he might receive a full-length portrait of this hero of freedom, to be displayed in his palace at Algiers. The Dey clung to his American slaves, holding them at prices considered exorbitant, being, in 1786, $6,000 for the master of a vessel, $4,000 for a mate, $4,000 for a passenger, and $1,400 for a seaman; while the agents were authorized to offer only $200 for each.[2] In 1790 the tariff seems to have fallen. Meanwhile

[1] History of the War between the United States and Tripoli, p. 52.

[2] Lyman's Diplomacy, Vol. II. pp. 353, 354.

one obtained his freedom through private means, others escaped, and others still were liberated by the great liberator, Death. The following list, if not interesting from the names of the captives, will at least be curious as evidence of prices at that time in the slave-market.

Crew of the Ship Dolphin, of Philadelphia, captured July 30, 1785.

	Sequins.
Richard O'Brien, master, price demanded	2,000
Andrew Montgomery, mate	1,500
Jacob Tessanier, French passenger	2,000
William Patterson, seaman (keeps a tavern)	1,500
Philip Sloan, "	725
Peleg Loring, "	725
John Robertson, "	725
James Hall, "	725

Crew of the Schooner Maria, of Boston, captured July 25, 1785.

Isaac Stevens, master (of Concord, Mass.)	2,000
Alexander Forsythe, mate	1,500
James Cathcart, seaman (keeps a tavern)	900
George Smith, " (in the Dey's house)	725
John Gregory, "	725
James Hermit, "	725
	16,475
Duty on the above sum, ten per cent	1,647½
Sundry gratifications to officers of the Dey's household	240⅓
	Sequins 18,362⅚

This sum being equal to $ 34,792.[1]

[1] History of the War between the United States and Tripoli, pp. 64, 65. Lyman's Diplomacy, Vol. II. pp. 357, 358.

In 1793 no less than one hundred and fifteen of our fellow-citizens were groaning in Algerine slavery. Their condition excited the fraternal feeling of the whole people, while it occupied the anxious attention of Congress and the prayers of the clergy. A petition from these unhappy persons, dated at Algiers, December 29, 1793, was addressed to Congress. "Your petitioners," it says, "are at present captives in this city of bondage, employed daily in the most laborious work, without any respect to persons. They pray that you will take their unfortunate situation into consideration, and adopt such measures as will restore the American captives to their country, their friends, families, and connections; and your most humble petitioners will ever pray and be thankful."[1] The action of Congress was sluggish, compared with the patriot desires throbbing through the country.

Appeals of a different character were now addressed to the country at large, and these were efficiently aided by Colonel Humphreys, the friend and companion of Washington, who was at the time our minister in Portugal. Taking advantage of the common passion for lotteries, and particularly of the custom, not then condemned, of employing them to obtain money for literary or benevolent purposes, he proposed a grand lottery, sanctioned by the United States, or particular lotteries sanctioned by individual States, to obtain the freedom of our countrymen. He then asks, "Is there within the limits of these United States an individual who will not cheerfully contribute, in proportion to his means, to carry it into effect? By the peculiar blessings of freedom which you enjoy, by the disinterested sacrifices you

[1] Lyman's Diplomacy, Vol. II. pp. 359, 360.

made for its attainment, by the patriotic blood of those martyrs of liberty who died to secure your independence, and by all the tender ties of nature, let me conjure you once more to snatch your unfortunate countrymen from fetters, dungeons, and death."

This appeal was followed by a petition from American captives in Algiers, addressed to ministers of every denomination throughout the United States, praying help. Beginning with an allusion to the day of national thanksgiving appointed by President Washington, it asks the clergy to set apart the Sunday preceding that day for sermons, to be delivered simultaneously throughout the country, pleading for their brethren in bonds.

"*Reverend and Respected,* —

"On Thursday, the 19th of February, 1795, you are enjoined by the President of the United States of America to appear in the various temples of that God who heareth the groaning of the prisoner, and in mercy remembereth those who are appointed to die.

"Nor are ye to assemble alone; for on this, the high day of continental thanksgiving, all the religious societies and denominations throughout the Union, and all persons whomsoever within the limits of the confederated States, are to enter the courts of Jehovah, with their several pastors, and gratefully to render unfeigned thanks to the Ruler of Nations for the manifold and signal mercies which distinguish your lot as a people: in a more particular manner, commemorating your exemption from foreign war; being greatly thankful for the preservation of peace at home and abroad; and fervently beseeching the kind Author of all these blessings graciously to prolong them to you, and finally to render the United States of America more and more an asylum for the unfortunate of every clime under heaven.

"*Reverend and Respected,* —

"Most fervent are our daily prayers, breathed in the sincerity of woes unspeakable, most ardent are the embittered aspirations of our afflicted spirits, that thus it may be in deed and in truth. Although we are prisoners in a foreign land, although we are far, very far, from our native homes, although our harps are hung upon the weeping-willows of Slavery, nevertheless America is still preferred above our chiefest joy, and the last wish of our departing souls shall be *her peace, her prosperity, her liberty forever.* On this day, the day of festivity and gladness, remember us, your unfortunate brethren, late members of the family of freedom, now doomed to perpetual confinement. *Pray, earnestly pray, that our grievous calamities may have a gracious end. Supplicate the Father of Mercies for the most wretched of his offspring. Beseech the God of all Consolation to comfort us by the hope of final restoration. Implore the Jesus whom you worship to open the house of the prison. Entreat the Christ whom you adore to let the miserable captives go free.*

"*Reverend and Respected,* —

"It is not your prayers alone, although of much avail, which we beg on the bending knee of sufferance, galled by the corroding fetters of slavery. We conjure you by the bowels of the mercies of the Almighty, we ask you in the name of your Father in Heaven, to have compassion on our miseries, to wipe away the crystallized tears of despondence, to hush the heartfelt sigh of distress, *and, by every possible exertion of godlike charity, to restore us to our wives, to our children, to our friends, to our God and to yours.*

"Is it possible that a stimulus can be wanting? Forbid it, the example of a dying, bleeding, crucified Saviour! Forbid it, the precepts of a risen, ascended, glorified Immanuel! *Do unto us in fetters, in bonds, in dungeons, in danger of the pestilence, as ye yourselves would wish to be done unto. Lift up your voices like a trumpet; cry aloud in the*

cause of humanity, benevolence, philosophy: eloquence can never be directed to a nobler purpose; religion never employed in a more glorious cause; charity never meditate a more exalted flight. Oh that a live coal from the burning altar of celestial beneficence might warm the hearts of the sacred order, and impassion the feelings of the attentive hearer!

"*Gentlemen of the Clergy in New Hampshire, Rhode Island, Massachusetts, New York, Pennsylvania, and Virginia,—*

"Your most zealous exertions, your unremitting assiduities, are pathetically invoked. Those States in which you minister unto the Church of God gave us birth. We are as aliens from the commonwealth of America. We are strangers to the temples of our God. The strong arm of infidelity hath bound us with two chains; the iron one of slavery and the sword of death are entering our very souls. *Arise, ye ministers of the Most High, Christians of every denomination, awake unto charity! Let a brief, setting forth our hapless situation, be published throughout the continent. Be it read in every house of worship on Sunday, the 8th of February. Command a preparatory discourse to be delivered on Sunday, the 15th of February, in all churches whithersoever this petition or the brief may come; and on Thursday, the 19th of February, complete the godlike work.* It is a day which assembles a continent to thanksgiving; it is a day which calls an empire to praise. God grant, that this may be the day which emancipates the forlorn captive, and may the best blessings of those who are ready to perish be your abiding portion forever! Thus prays a small remnant who are still alive; thus pray your fellow-citizens, chained to the galleys of the impostor Mahomet.

"Signed for and in behalf of his fellow-sufferers by

"RICHARD O'BRIEN,

"*In the tenth year of his captivity.*"[1]

[1] History of the War between the United States and Tripoli, pp. 69–71.

The cause which inspired this appeal will indispose the candid reader to any criticism of its exuberant language. Like the drama of Cervantes setting forth the horrors of the galleys of Algiers, it was "not drawn from the imagination, but was born far from the regions of fiction, in the very heart of truth."[1] Its earnest appeals were calculated to touch the soul, and to make the very name of slavery and slave-dealer detestable.

PARALLEL BETWEEN SLAVERY IN ALGIERS AND IN OUR OWN COUNTRY.

I SHOULD do injustice to truth, if I did not suspend for one moment the narrative of this Anti-Slavery movement, to exhibit the pointed parallel then recognized between slavery in Algiers and slavery in our own country. It belongs to this history. Conscience could not plead for the emancipation of white fellow-citizens, without confessing in the heart, perhaps to the world, that every consideration, every argument, every appeal for the white man, told with equal force for the wretched colored brother in bonds. Thus the interest awakened for the slave in Algiers embraced also the slave at home. Sometimes they were said to be alike in condition; sometimes, indeed, it was openly declared that the horrors of our American slavery surpassed that of Algiers.

John Wesley, the oracle of Methodism, who had become familiar with slavery in our Southern States, addressing those engaged in the negro slave-trade, declared as early as 1774: "You have carried the survivors into the vilest slavery, never to end but with life, — *such*

[1] Los Baños de Argel.

slavery as is not found among the Turks at Algiers."[1] Another writer in 1794, when sympathy with the American captives was at its height, presses the parallel in pungent terms. "For this practice of buying and selling slaves," he says, "we are not entitled to charge the Algerines with any exclusive degree of barbarity. The Christians of Europe and America carry on this commerce one hundred times more extensively than the Algerines. It has received a recent sanction from the immaculate Divan of Britain. Nobody seems even to be surprised by a diabolical kind of advertisements which for some months past have frequently adorned the newspapers of Philadelphia. The French fugitives from the West Indies have brought with them a crowd of slaves. These most injured people sometimes run off, and their master advertises a reward for apprehending them. At the same time we are commonly informed that his sacred name is marked in capitals on their breasts, — or, in plainer terms, it is stamped on that part of the body with a red-hot iron. Before, therefore, we reprobate the ferocity of the Algerines, we should inquire whether it is not possible to find in some other region of this globe a systematic brutality still more disgraceful."[2]

Not long after the address to the clergy by the captives in Algiers, a voice came from New Hampshire, in a tract entitled "Tyrannical Libertymen, a Discourse upon Negro Slavery in the United States, composed at —— in New Hampshire on the late Federal Thanksgiving Day,"[3] which does not hesitate to brand American

[1] Thoughts upon Slavery (1774), p. 24.

[2] Short Account of Algiers (Philadelphia, 1794), p. 18.

[3] From the Eagle Office, Hanover, New Hampshire, 1795.

slavery in terms of glowing reprobation. "There was a contribution upon this day," it says, "for the purpose of redeeming those Americans who are in slavery at Algiers, — an object worthy of a generous people. Their redemption, we hope, is not far distant. But should any person contribute money for this purpose which he had cudgelled out of a negro slave, he would deserve less applause than an actor in the comedy of Las Casas. . . . . When will Americans show that they are what they affect to be thought, — friends to the cause of humanity at large, reverers of the rights of their fellow-creatures? Hitherto we have been oppressors, nay, murderers! — for many a negro has died by the whip of his master, and many have lived when death would have been preferable. Surely the curse of God and the reproach of man is against us. Worse than the seven plagues of Egypt will befall us. If Algiers shall be punished seven fold, truly America seventy and seven fold." These words might not impertinently be uttered in our present debates.

To this excitement we are indebted for the story of "The Algerine Captive," which, though now forgotten, was among the earliest literary productions of our country, reprinted in London at a time when few American books were known abroad. Published anonymously, it is recognized as from the pen of Royall Tyler, afterwards Chief Justice of Vermont. In the form of a narrative of personal adventures, extending through two volumes, a slave of Algiers depicts the horrors of his condition. In this regard it is not unlike the recent story of "Archy Moore," displaying the horrors of American slavery. The narrator, while engaged as surgeon on board a ship in the African slave-trade,

has an opportunity which he does not neglect. After describing the reception of the poor negroes, he says: "I cannot reflect on this transaction yet, without shuddering. I have deplored my conduct with tears of anguish; and I pray a merciful God, the Common Parent of the great family of the universe, who hath made of one flesh and one blood all nations of the earth, that the miseries, the insults, and cruel woundings I afterwards received, when a slave myself, may expiate for the inhumanity I was necessitated to exercise towards these my brethren of the human race."[1] He further records his meditations and resolves, while yet a captive of the Algerines. "Grant me," he says, from the depths of his own misfortune, "once more to taste the freedom of my native country, and every moment of my life shall be dedicated to preaching against this detestable commerce. I will fly to our fellow-citizens in the Southern States; I will, on my knees, conjure them, in the name of humanity, to abolish a traffic which causes it to bleed in every pore. If they are deaf to the pleadings of Nature, I will conjure them, for the sake of consistency, to cease to deprive their fellow-creatures of freedom, which their writers, their orators, representatives, senators, and even their constitutions of government, have declared to be the unalienable birthright of man."[2] This is sound and significant.

Not merely in the productions of literature and in fugitive essays was such comparison presented; it was set forth on an important occasion in the history of our country, by one of her most illustrious citizens. The opportunity occurred in a complaint against England for carrying away from New York certain negroes, in

[1] Chap. XXX. Vol. I. p. 193. [2] Chap. XXXII. Vol. I. p. 213.

alleged violation of the treaty of 1783. In an elaborate paper, John Jay, at that time Secretary for Foreign Affairs under the Confederation, says: "Whether men can be so degraded, as, under any circumstances, to be with propriety denominated *goods and chattels*, and under that idea capable of becoming *booty*, is a question on which opinions are unfortunately various, even in countries professing Christianity and respect for the rights of mankind." He then proceeds in words worthy of special remembrance at this time: "If a war should take place between France and Algiers, and in the course of it France should invite the American slaves there to run away from their masters, and actually receive and protect them in their camp, what would Congress, and indeed the world, think and say of France, if, on making peace with Algiers, she should give up those American slaves to their former Algerine masters? *Is there any other difference between the two cases than this, namely, that the American slaves at Algiers are* WHITE *people, whereas the African slaves at New York were* BLACK *people?*" Introducing these sentiments, the Secretary remarks: "He is aware he is about to say unpopular things; but higher motives than personal considerations press him to proceed."[1] Words worthy of John Jay!

The same comparison was also instituted by the Abolition Society of Pennsylvania, in an address to the Convention which framed the National Constitution. "The sufferings of our American brethren groaning in captivity at Algiers," it says, "Providence seems to have ordained to awaken us to a sentiment of the injustice and cruelty of which we are guilty towards

[1] Secret Journals of Congress, 1786, Vol. IV. pp. 274 – 279.

the wretched Africans."[1] Shortly afterwards it was again brought forward by Dr. Franklin, in an ingenious apologue, with all his peculiar humor, simplicity, logic, and humanity. As President of the same Abolition Society which had already addressed the Convention, he signed a memorial to the earliest Congress under the Constitution, praying it "to countenance the restoration of liberty to those unhappy men who alone in this land of freedom are degraded into perpetual bondage," and to "step to the *very verge* of the power vested in them for *discouraging* every species of traffic in the persons of our fellow-men."[2] In the congressional debates on the presentation of this memorial, — memorable not only for its intrinsic importance as a guide to the country, but as the final public act of a chief among the founders of our national institutions, — several attempts were made to justify slavery and the slave-trade. The last and almost dying energies of Franklin were excited. In a remarkable document, written only twenty-four days before his death, and published in the journals of the time, he gave a parody of a speech actually delivered in Congress, — transferring the scene to Algiers, and putting the congressional eloquence in the mouth of a corsair slave-dealer, inveighing before the Divan against a petition from the Purists or Abolitionists of Algiers. All the arguments adduced in favor of negro slavery are applied by the Algerine orator with equal force to justify the plunder and enslavement of whites.[3] With this protest against a great wrong, Franklin died.

Most certainly we are aided in appreciation of Amer-

[1] Brissot's Travels, Letter XXII. Vol. I. p. 253.
[2] Annals of Congress, 1st Cong. 2d Sess. Vol. II. col. 1198.
[3] Sparks's Franklin, Vol. II. p. 517.

ican slavery, when we know that it was likened, by characters like Wesley, Jay, and Franklin, to the abomination of slavery in Algiers. But whatever may have been the influence of this parallel on the condition of the black slaves, it did not check the rising sentiments of the people against White Slavery.

UNITED STATES AROUSED AGAINST WHITE SLAVERY.

THE country was aroused. A general contribution was proposed. The cause of our brethren was pleaded in churches, and not forgotten at the festive board. At all public celebrations, the toasts "Happiness for all" and "Universal Liberty," were proposed, not more in sympathy with Frenchmen struggling for human rights than with our own wretched white fellow-countrymen in bonds. On one occasion [1] they were distinctly remembered in the following toast: "Our brethren in slavery at Algiers. May the measures adopted for their redemption be successful, and may they live to rejoice with their friends in the blessings of liberty!" Generous words, apt for all in bonds!

Meanwhile the efforts of the National Government continued. President Washington, in his speech to Congress, delivered in person to both houses in the Representatives' Chamber, December 8, 1795, said: "With peculiar satisfaction I add, that information has been received from an agent deputed on our part to Algiers, importing that the terms of the treaty with the Dey and Regency of that country had been adjusted in such a manner as to authorize the expectation of a speedy

[1] At Portsmouth, N. H., at a public entertainment, April 3, 1795, in honor of French successes. — Boston Independent Chronicle, Vol. XXVII. No. 1469.

peace, and the restoration of our unfortunate fellow-citizens from a grievous captivity." [1] This was effected on the 5th of September, 1795. It was a treaty full of humiliation for the "chivalry" of our country. Besides securing a large sum of money to the Algerine government in consideration of present peace and the liberation of captives, it stipulated an annual tribute of "twelve thousand Algerine sequins in maritime stores." [2] But feelings of pride disappeared in heartfelt satisfaction. A thrill of joy went through the land, when it was announced that a vessel had left Algiers, having on board all the American captives, now happily at liberty. Their emancipation was purchased at the cost of more than seven hundred thousand dollars. The largess of money, and even the indignity of tribute, were forgotten in gratulations on their new-found happiness. The President, in his speech to Congress, delivered in person, December 7, 1796, presented their "actual liberation" as a special subject of joy to "every feeling heart." [3] Thus did the National Government construct a bridge of gold for Freedom.

This act of national generosity was followed by peace with Tripoli, purchased, November 4, 1796, for the sum of fifty-six thousand dollars, — "$ 48,000 in cash, $ 8,000 in presents," [4] — under the guaranty of the Dey of Algiers, who was declared to be "the mutual friend of the parties." By an article in this treaty, negotiated by Joel Barlow, — out of tenderness, perhaps to Mahometanism, and to save our citizens from that slavery

[1] Annals of Congress, 4th Cong. 1st Sess. col. 11.

[2] United States Statutes at Large, Treaties, Vol. VIII. p. 133. Lyman's Diplomacy, Vol. II. p 362.

[3] Annals of Congress, 4th Cong. 2d Sess. col. 1593.

[4] Lyman's Diplomacy, Vol. II. p. 381, note.

which was regarded as the just doom of "Christian dogs," — it was expressly declared that "the Government of the United States of America is not in any sense founded on the Christian religion." [1] By a treaty with Tunis, purchased after some delay, but at a smaller price than that with Tripoli, all danger to our citizens seemed to be averted. Here it was ignominiously provided, that fugitive slaves, taking refuge on board American merchant vessels, and even vessels of war, should be restored to their owners.[2]

As early as 1787 a more liberal treaty was entered into with Morocco, which was confirmed in 1795,[3] at the price of twenty thousand dollars; while, by a treaty with Spain, in 1799, this slave-trading empire *expressly declared its "desire that the name of Slavery might be effaced from the memory of man."* [4]

But these governments were barbarous, faithless, regardless of humanity and justice. Promises with them were evanescent. As in the days of Charles the Second, treaties were made merely to be broken. They were observed only so long as money was derived under their stipulations. Soon again our growing commerce was fatally vexed by the Barbary corsairs; even the ships of our navy were subjected to peculiar indignities. In 1801 the Bey of Tripoli formally declared war against the United States, and in token thereof "our

[1] Article XI. — United States Statutes at Large, Vol. VIII. p. 154. Lyman's Diplomacy, Vol. II. pp. 380, 381.

[2] Article VI. — United States Statutes at Large, Vol. VIII. p. 157. Lyman's Diplomacy, Vol. II. p. 400. — This treaty has two dates, — August, 1797, and March, 1799. William Eaton and James Leander Cathcart were agents of the United States at the latter date.

[3] United States Statutes at Large, Vol. VIII. p. 100. Lyman's Diplomacy, Vol. II. p. 350.

[4] History of the War between the United States and Tripoli, p. 80.

flag-staff [before the consulate] was chopped down six feet from the ground, and left reclining on the terrace."[1] American citizens once more became the prize of man-stealers. Colonel Humphreys, now at home in retirement, came out in an address to the public, calling again for united action, saying: "Americans of the United States, your fellow-citizens are in fetters! Can there be but one feeling? Where are the gallant remnants of the race who fought for freedom? Where the glorious heirs of their patriotism? *Will there never be a truce between political parties? Or must it forever be the fate of* FREE STATES, *that the soft voice of union should be drowned in the hoarse clamor of discord?* No! Let every friend of blessed humanity and sacred freedom entertain a better hope and confidence."[2] Colonel Humphreys was not a statesman only; he was known as poet also. And in this character he made another appeal. In a poem on "The Future Glory of the United States," he breaks forth into indignant condemnation of slavery, which deserves commemoration, and, whatever may be the merits of its verse, should not be omitted here.

"Teach me curst slavery's cruel woes to paint,
Beneath whose weight our captured freemen faint!
. . . . . .
Where am I? Heavens! what mean these dolorous cries?
And what these horrid scenes that round me rise?
Heard ye the groans, those messengers of pain?
Heard ye the clanking of the captive's chain?
Heard ye your freeborn sons their fate deplore,
Pale in their chains and laboring at the oar?
Saw ye the dungeon, in whose blackest cell,
That house of woe, your friends, your children, dwell?
Or saw ye those who dread the torturing hour,
Crushed by the rigors of a tyrant's power?

[1] Lyman's Diplomacy, Vol. II. p. 384.
[2] Miscellaneous Works of David Humphreys, p. 75.

Saw ye the shrinking slave, the uplifted lash,
The frowning butcher, and the reddening gash?
Saw ye the fresh blood, where it bubbling broke
From purple scars, beneath the grinding stroke?
Saw ye the naked limbs writhed to and fro,
In wild contortions of convulsing woe?
Felt ye the blood, with pangs alternate rolled,
Thrill through your veins and freeze with deathlike cold,
Or fire, as down the tear of pity stole,
Your manly breasts, and harrow up the soul?" [1]

The people and Government responded. And here commenced those early deeds by which our navy became known in Europe. Through a reverse of shipwreck rather than war, the frigate Philadelphia fell into the hands of the Tripolitans. A daring act of Decatur burned it under the guns of the enemy. Other feats of hardihood ensued. A romantic expedition by General Eaton, from Alexandria, in Egypt, across the Desert of Libya, captured Derne. Three several times Tripoli was attacked, and, at last, on the 4th of June, 1805, entered into a treaty by which the freedom of three hundred American slaves was secured, on the payment of sixty thousand dollars; and it was provided, that, in the event of future war between the two countries, prisoners should not be reduced to slavery, but should be exchanged rank for rank, and if there were any deficiency on either side, it should be made up at the rate of five hundred Spanish dollars for each captain, three hundred dollars for each mate and supercargo, and one hundred dollars for each seaman.[2] Thus did our country, after successes not without what is called the glory of arms, again purchase with money the emancipation of white citizens.

[1] Miscellaneous Works of David Humphreys, pp. 52, 53.

[2] United States Statutes at Large, Vol. VIII. p. 214. Lyman's Diplomacy, Vol. II. p. 388.

The power of Tripoli was inconsiderable. That of Algiers was more formidable. It is not a little curious that the largest ship of this slave-trading state was the Crescent, of thirty-four guns, built in New Hampshire;[1] *though it is hardly to the credit of our sister State that the Algerine power derived such important support from her.* The lawlessness of the corsair broke forth again in the seizure of the brig Edwin, of Salem, and the enslavement of her crew. The energies of the country were at this time enlisted in war with Great Britain; but even amidst the anxieties of this important contest was heard the voice of these captives, awakening a corresponding sentiment throughout the land, until the Government was prompted to their release. Through Mr. Noah, recently appointed consul at Tunis, it offered to purchase their freedom at three thousand dollars a head.[2] The answer of the Dey, repeated on several occasions, was, that "not for two millions of dollars would he sell his American slaves."[3] The timely treaty of Ghent, establishing peace with Great Britain, left us at liberty to deal with this enslaver of our countrymen. At once a naval force was despatched to the Mediterranean, under approved officers, Commodores Bainbridge and Decatur. The rapidity of their movements and their striking success had the desired effect. In December, 1816, a treaty was extorted from the Dey of Algiers, by which, after abandoning all claim to tribute in any form, he delivered his American captives, ten in number, without ransom, and stipulated that hereafter no Americans should be made slaves or forced to hard

[1] History of the War between the United States and Tripoli, p. 88.
[2] Noah's Travels, pp. 69, 70.
[3] Ibid., p. 144. National Intelligencer, March 7, 1815.

labor, and, still further, that "any Christians whatsoever, captives in Algiers," making their escape, and taking refuge on board an American ship of war, should be safe from all requisition or reclamation.[1]

Decatur walked his deck with impatient earnestness, awaiting the promised signature of the treaty. "Is the treaty signed?" he cried to the captain of the port and the Swedish consul, as they reached the Guerrière with a white flag of truce. "It is," replied the Swede; and the treaty was placed in the hands of the brave commander. "Are the prisoners in the boat?" "They are." "Every one of them?" "Every one, Sir." The captive Americans now came forward to greet and bless their deliverer.[2] Here, on a smaller scale, was the same scene which had given such satisfaction to the Emperor Charles the Fifth at Tunis. Surely this moment, when he looked upon emancipated fellow-countrymen and thought how much he had contributed to overthrow the relentless system of bondage under which they had groaned, must have been one of the sweetest in the life of our hardy son of the sea. But should I not say, even here, that there is now a citizen of Massachusetts, who, without army or navy, by a simple act of self-renunciation, has given freedom to a larger number of Christian American slaves than was liberated by the sword of Decatur? Of course I refer to Mr. Palfrey.

Not by money, but by arms, was emancipation this time secured. The country was grateful for the result,— though the poor freedmen, engulfed in unknown wastes of ocean, on their glad passage home, were never able

[1] United States Statutes at Large, Vol. VIII. p. 224. Lyman's Diplomacy, Vol. II. p. 376.

[2] Mackenzie's Life of Decatur, p. 268.

to mingle joys with their fellow-citizens. They were on board the Épervier, of which no trace ever appeared. Nor did the people feel the melancholy mockery of the National Government, which, having weakly declared that it was "not in any sense founded on the Christian religion," now expressly confined the protecting power of its flag to fugitive "Christians, captives in Algiers," leaving slaves of another faith, escaping even from Algiers, to be snatched as between the horns of the altar and returned to continued horrors.

WHITE SLAVERY ABOLISHED BY AN ENGLISH FLEET.

THE success of American arms was followed by a more signal triumph of Great Britain, acting generously in behalf of all the Christian powers. Her expedition was debated, perhaps prompted, in the Congress of Vienna, where, after the overthrow of Napoleon, the brilliant representatives of European nations, with the monarchs of Austria, Prussia, and Russia in attendance, considered how to adjust the disordered balance of empire, and to remedy evils through joint action. Among many high concerns was the project of a crusade against the Barbary States, to accomplish the complete abolition of Christian slavery. For this purpose, it was proposed to form "a holy league," which was earnestly enforced by a memoir from Sir Sidney Smith,[1] the same who foiled Napoleon at Acre, and at this time president of an association called the "Knights Liberators of the

[1] Mémoire sur la Nécessité et les Moyens de faire cesser les Pirateries des États Barbaresques. Reçu, considéré, et adopté à Paris en Septembre, à Turin le 14 Octobre, 1814, à Vienne durant le Congrès. Par W. Sidney Smith. See Quarterly Review, Vol. XV. p. 139, where this is noticed. Schoell, Histoire des Traités de Paix, Tom. XI. p. 402.

White Slaves in Africa," — in our day it would be called an Abolition Society, — thus adding to the doubtful laurels of war the true glory of striving for the freedom of his fellow-man.

Though not adopted by the Congress, this project awakened a generous echo. Various advocates appeared in its support; and what the Congress failed to undertake was now especially urged upon Great Britain by the agents of Spain and Portugal, who insisted, that, *because* this nation had abolished the trade in blacks, it was her *duty* to extinguish the slavery of *whites*.[1]

A scandalous impediment seemed to interfere, showing itself in a common belief that the obstructions from the Barbary States were advantageous to British commerce by thwarting and strangling that of other countries, and that therefore Great Britain, ever anxious for commercial supremacy, would do nothing for their overthrow, — the love of trade prevailing over the love of man.[2] This imputation of sordid selfishness, willing to coin money out of the lives and liberties of fellow-Christians, was soon answered.

At the beginning of the year 1816, Lord Exmouth, already distinguished in the British navy as Sir Edward Pellew, was despatched with a squadron to Algiers. By general orders bearing date March 21, 1816, he announced the object of his expedition as follows.

"He has been instructed and directed by his Royal Highness, the Prince Regent, to proceed with the fleet to Algiers,

[1] Quarterly Review, Vol. XV. p. 145. Edinburgh Review, Vol. XXVI. p. 449, noticing a Letter to a Member of Parliament on the Slavery of the Christians at Algiers, by Walter Croker, Esq., of the Royal Navy, London, 1816. Schoell, Histoire des Traités de Paix, Tom. XI. p. 402.

[2] Edinburgh Review, Vol. XXVI. p. 451. Osler's Life of Exmouth, p. 302. Mackenzie's Life of Decatur, pp. 261 - 263.

and *there make certain arrangements for diminishing, at least*, the piratical excursions of the Barbary States, *by which thousands of our fellow-creatures, innocently following their commercial pursuits, have been dragged into the most wretched and revolting state of slavery.*

"The commander-in-chief is confident that *this outrageous system of piracy and slavery rouses in common the same spirit of indignation which he himself feels;* and should the government of Algiers refuse the reasonable demands he bears from the Prince Regent, he doubts not but the flag will be honorably and zealously supported by every officer and man under his command, in his endeavors to procure the acceptation of them by force; *and if force must be resorted to, we have the consolation of knowing that we fight in the sacred cause of humanity, and cannot fail of success.*"[1]

The moderate object of his mission was readily obtained. "Arrangements for diminishing the piratical excursions of the Barbary States" were established. Ionian slaves, claimed as British subjects, were released, and peace was secured for Naples and Sardinia, — the former paying for subjects liberated five hundred dollars a head, and the latter three hundred dollars. This was at Algiers. Lord Exmouth proceeded next to Tunis and Tripoli, where, acting beyond his instructions, he obtained from both these piratical governments the promise to abolish Christian slavery within their respective dominions. In one of his letters on this event he says, that, in pressing these concessions, he "acted solely on his own responsibility and without orders, — the causes and reasoning on which, upon general principles, may be defensible, but, as applying to our own country, may not be borne out, *the old mercantile*

[1] Osler's Life of Exmouth, p. 297.

interest being against it."[1] It is curious to recall a similar distrust excited in another age by a similar achievement. Admiral Blake, after his attack upon Tunis, appealed to the government of Cromwell, in words applicable to the recent occasion, saying: "And now, seeing it hath pleased God soe signally to justify us herein, I hope His Highness will not be offended at it, nor any who regard duely the honor of our nation, *although I expect to heare of many complaints and clamors of interested men.*"[2] Thus, more than once, in these efforts to abolish White Slavery, did Commerce, daughter of Freedom, fall under suspicion of disloyalty to her parent.

Lord Exmouth did injustice to the moral sense of England. His conduct was sustained and applauded, not only in the House of Commons, but by the country at large. He was sent back to Algiers — which had failed to make any general renunciation of White Slavery — to extort this stipulation by force. British historians regard this expedition with peculiar pride. In all the annals of their triumphant navy there is none where the barbarism of war seems so much to "smooth its wrinkled front." With a fleet complete at all points, the good Admiral set sail July 25, 1816, on what was deemed a holy war. With five line-of-battle ships, five frigates, four bomb-vessels, and five gun-brigs, besides a Dutch fleet of five frigates and a corvette, under Admiral Van Capellen, — who, on learning the object of the expedition, solicited and obtained leave to coöperate, he anchored before the formidable fortifications of Algiers. It would not be agreeable or instructive to dwell on the scene of deso-

[1] Osler's Life of Exmouth, p. 303.

[2] Thurloe's State Papers, Vol. III. p. 390.

lation and blood which ensued. Before night the fleet fired, besides shells and rockets, one hundred and eighteen tons of powder, and fifty thousand shot, weighing more than five hundred tons. The citadel and massive batteries of Algiers were shattered and crumbled to ruins. Storehouses, ships, and gunboats were in flames, while the blazing lightnings of battle were answered by the lightnings of heaven in a storm of signal fury. The power of the Great Slave-dealer was humbled.

The terms of submission were announced to his fleet in an order of the Admiral, dated, Queen Charlotte, Algiers Bay, August 30, 1816, which may be read with truer pleasure than any other in military or naval history.

"The commander-in-chief is happy to inform the fleet of the final termination of their strenuous exertions, by the signature of peace, confirmed under a salute of twenty-one guns, on the following conditions, dictated by his Royal Highness, the Prince Regent of England.

"I. THE ABOLITION OF CHRISTIAN SLAVERY FOREVER.

"II. *The delivery to my flag of all slaves in the dominions of the Dey, to whatever nation they may belong, at noon to-morrow.*

"III. To deliver also to my flag all money received by him for the redemption of slaves since the commencement of this year, at noon also to-morrow."[1]

On the next day upwards of twelve hundred slaves were emancipated, making, with those liberated in his earlier expedition, more than three thousand, whom, by address or force, Lord Exmouth delivered from bondage.[2]

[1] Osler's Life of Exmouth, p. 333

[2] Ibid., pp. 334, 335. Annual Register, 1816, Vol. LVIII. pp. 97]–105]. Shaler's Sketches of Algiers, pp. 279–294.

Thus ended White Slavery in the Barbary States. Already it had died out in Morocco. Quietly it had been renounced by Tripoli and Tunis. Its last retreat was Algiers, whence it was driven amidst the thunder of the British cannon.

Signal honors awaited the Admiral. He was elevated to a new rank in the peerage, and on his coat-of-arms was emblazoned a figure never before known in heraldry, — *a Christian slave holding aloft the cross and dropping his broken fetters.*[1] From the officers of the squadron he received a costly service of plate, with an inscription, in testimony of "the memorable victory gained at Algiers, *where the great cause of Christian freedom was bravely fought and nobly accomplished.*"[2] Higher far than honor were the rich personal satisfactions he derived from the beneficent cause in which he was enlisted. In a despatch to the Government, describing the battle, he says, in words which may be felt by others, warring for the overthrow of slavery: "In all the vicissitudes of a long life of public service, no circumstance has ever produced on my mind such impressions of gratitude and joy as the event of yesterday. *To have been one of the humble instruments in the hands of Divine Providence for bringing to reason a ferocious government, and destroying forever the insufferable and horrid system of Christian slavery, can never cease to be a source of delight and heartfelt comfort to every individual happy enough to be employed in it.*"[3]

The reverses of Algiers did not end here. Christian slavery was abolished; but in 1830 the insolence of

[1] Osler's Life of Exmouth, p. 340.
[2] Ibid., p. 342.
[3] Ibid., p. 432. Shaler's Sketches of Algiers, p. 282.

this barbarian government awoke the vengeance of France to take military possession of the whole country. Algiers capitulated, the Dey abdicated, and this considerable power became a French colony.

Thus I have endeavored to present what I could glean in various fields on the *history* of White Slavery in the Barbary States, — often employing the words of others, as they seemed best calculated to convey the scene, incident, or sentiment which I wished to preserve. So doing, I have occupied much time; but I may find my apology in the words of an English chronicler. "Algier," he says, "were altogether unworthy so long discourse, *were not the unworthinesse most worthy our consideration:* I meane the cruell abuse of the Christian name, which let us, for inciting our zeale and exciting our charitie and thankfulnes, more deeply weigh, to releeve those there in miseries (as we may) with our paynes, prayers, purses, and all the best mediations."[1] To exhibit the crime of slavery is in itself sufficient motive for any exertion.

III.

WHITE SLAVERY ILLUSTRATED BY EXAMPLES.

By natural transition I am now brought to inquire into the *true character* of the evil whose history has been traced. Here I shall be brief.

Slavery in the Barbary States is denounced as an unquestionable outrage upon humanity and justice. In this judgment nobody hesitates. Our liveliest sympa-

[1] Purchas's Pilgrims, Vol. II. p. 1565.

thies attend these white brethren, — torn from homes, the ties of family and friendship rudely severed, parent separated from child and husband from wife, exposed at public sale like cattle, and dependent, like cattle, upon the uncertain will of an arbitrary taskmaster. We read of a "gentleman" compelled to be valet of the barbarian emperor of Morocco;[1] and Calderon, the pride of the Spanish stage, has depicted the miserable fate of a Portuguese prince, degraded by the infidel Moor to carry water in a garden. But the lowly in condition had their unrecorded sorrows, whose sum-total swells to a fearful amount. Who can tell how many hearts have been wrung by the pangs of separation, how many crushed by the comfortless despair of interminable bondage? "Speaking as a Christian," says the good Catholic father who has chronicled much of this misery, "if on the earth there can be any condition which in its character and evils may represent in any manner the dolorous Passion of the Son of God (which exceeded all evils and torments, because by it the Lord suffered every kind of evil and affliction), it is, beyond question and doubt, none other than slavery and captivity in Algiers and Barbary, whose infinite evils, terrible torments, miseries without number, afflictions without mitigation, it is impossible to comprehend in a brief span of time."[2] When we consider the author's character as a father of the Catholic Church, it will be felt that language can no further go. The details of the picture may be seen in the report of another Catholic

[1] Braithwaite's Revolutions in Morocco, p. 233.

[2] Haedo, Historia, pp. 139, 140. — Besides illustrations of the hardships of White Slavery already introduced, I refer briefly to the following: Edinburgh Review, Vol. XXVI. pp 452 - 454: Quarterly Review, Vol. XV. p. 145; Life of General William Eaton, p. 100; Noah's Travels, pp. 366, 367.

father at a later day, who furnishes a chapter on the condition of Christian slaves in Morocco. Their torments are depicted: constrained to work at all hours, without days of rest, without proper food; sometimes the diversion of their master, "who makes their labor his rest and their sufferings his pleasure"; subject at all times to his capricious will, and the victims of horrid cruelty. One is described who was cast naked to the dogs, but, amidst the torments he endured, exhorted his fellow-captives to have patience, "telling them that Jesus Christ had suffered much more for them and for him"; — saying this, he gathered up his bowels, which he drew from the mouths of the dogs, till, his strength failing him, he expired, and they devoured him. "I should never have done," says the father, "did I go about to relate here all that the merchants and captives told us of cruelties, they are so excessive." [1]

In nothing are impiety and blasphemy more apparent than in the auctions of human beings, where men are sold to the highest bidder. Through the personal experience of a young English merchant, Abraham Brown, afterwards a settler in Massachusetts, we learn how these were conducted. In 1655, before the liberating power of Cromwell was acknowledged, he was captured, together with a whole crew, and carried into Sallee. His own words, in his memoirs still preserved, will best tell his story.

"On landing," he says, "an exceeding great company of most dismal spectators were led to behold us in our captivated condition. There was liberty for all sorts to come and look on us, that whosoever had a mind to buy any of us, on the day appointed for our

[1] Busnot, History of the Reign of Muley Ismael, Chap. VI. p. 164.

sale together in the market, might see, as I may say, what they would like to have for their money; whereby we had too many comfortless visitors, both from the town and country, one saying he would buy this man, and the other that man. To comfort us, we were told by the Christian slaves already there, if we met with such and such patrons, our usage would not be so bad as we supposed; though, indeed, our men found the usage of the best bad enough. Fresh victuals and bread were supplied, I suppose to feed us up for the market, that we might be in some good plight against the day we were to be sold.

"And now I come to speak of our being sold into this doleful slavery. It was doleful in respect to the time and manner. As to the time, it was on our Sabbath day, in the morning, about the time the people of God were about to enjoy the liberty of God's house: this was the time our bondage was confirmed. Again, it was sad in respect to the manner of our selling. Being all of us brought into the market-place, we were led about, two or three at a time, in the midst of a great concourse of people, both from the town and country, who had a full sight of us, and if that did not satisfy, they would come and feel of your hand and look into your mouth to see whether you are sound in health, or to see by the hardness of your hand whether you have been a laborer or not. The manner of buying is this: he that bids the greatest price hath you, — they bidding one upon another, until the highest has you for a slave, whoever he is, or wherever he dwells.

"As concerning myself, being brought to the market in the weakest condition of any of our men, I was led forth among the cruel multitude to be sold. As yet being un-

discovered what I was, I was like to have been sold at a very low rate, not above fifteen pounds sterling, whereas our ordinary seamen were sold for thirty pounds and thirty-five pounds sterling, and two boys were sold for forty pounds apiece; and being in this sad posture led up and down at least one hour and an half, during which time a Dutchman, that was our carpenter, discovered me to some Jews, they increased from fifteen to seventy-five pounds, which was the price my patron gave for me, being three hundred ducats; and had I not been so weakened, and in these rags (indeed, I made myself more so than I was, for sometimes, as they led me, I pretended I could not go, and did often sit down), — I say, had not these things been, in all likelihood I had been sold for as much again in the market, and thus I had been dearer, and the difficulty greater to be redeemed. During the time of my being led up and down the market, I was possessed with the greatest fears, not knowing who my patron might be. I feared it might be one from the country, who would carry me where I could not return, or it might be one in and about Sallee, of which we had sad accounts, and many other distracting thoughts I had. And though I was like to have been sold unto the most cruel man in Sallee, there being but one piece-of-eight between him and my patron, yet the Lord was pleased to cause him to buy me, of whom I may speak, to the glory of God, as the kindest man in the place."[1]

This is the story of a respectable person, little distinguished in the world. But the slave-dealer applied his inexorable system without distinction of persons.

[1] Memoirs of Abraham Brown, MS.

ST. VINCENT DE PAUL A SLAVE.

THE experience of St. Vincent de Paul did not differ from that of Abraham Brown. That illustrious character, admired, beloved, and worshipped by large circles of mankind, has also left a record of his sale as a slave.

"Their proceedings at our sale," he says, "were as follows. After we had been stripped, they gave to each one of us a pair of drawers, a linen coat, with a cap, and paraded us through the city of Tunis, whither they had come expressly to sell us. Having made us take five or six turns through the city, with the chain at our necks, they conducted us back to the boat, that the merchants might come and see who could eat well and who not, and to show that our wounds were not mortal. This done, they took us to the public square, where the merchants came to visit us, precisely as is done at the purchase of a horse or an ox, making us open our mouths to see our teeth, feeling our sides, probing our wounds, and making us walk about, trot, and run, then lift burdens, and then wrestle, in order to see the strength of each, and a thousand other sorts of brutalities." [1]

In this simple narrative what occasion for humiliation and encouragement! Well may we be humbled, that a nature so divine was subject to this cruel lot! Well may we be encouraged, as we contemplate the heights of usefulness and renown which this slave at last reached!

[1] Biographie Universelle (Michaud): Art., *Vincent de Paul.*

CERVANTES A SLAVE.

HERE we may refer again to Cervantes, whose pen was dipped in his own dark experience. His "Life in Algiers" exhibits the horrors of the slave-market as it might be exhibited now. The public crier exposes for sale a father and mother with two children. They are to be sold separately, or, according to the language of our day, "in lots to suit purchasers." The father is resigned, confiding in God; the mother sobs; while the children, ignorant of the inhumanity of men, show an instinctive trust in the constant and wakeful protection of their parents, — now, alas! impotent to shield them from dire calamity. A merchant, inclining to purchase one of the children, and wishing to ascertain his bodily condition, makes him open his mouth. The child, ignorant of the destiny which awaits him, imagines that the purchaser is about to extract a tooth, and, assuring him that it does not ache, begs him to desist. The merchant, in other respects estimable enough, pays one hundred and thirty dollars for the youngest child, and the sale is completed. Thus a human being — one of those "little ones" who inspired the Saviour to say, "Of such is the kingdom of heaven" — is profanely treated as an article of merchandise, and torn from a mother's arms and a father's support. The hardening influence of custom has steeled the merchant into criminal insensibility to this violation of humanity and justice, this laceration of sacred ties, this degradation of God's image. The unconscious heartlessness of the slave-dealer and the anguish of his victims are depicted in the dialogue which ensues after the sale.

MERCHANT.

Come hither, child, 't is time to go to rest.

JUAN.

Signor, I will not leave my mother here,
To go with any one.

MOTHER.

Alas! my child, thou art no longer mine,
But his who bought thee.

JUAN.

What! then, have you, mother,
Forsaken me?

MOTHER.

O Heavens! how cruel are ye!

MERCHANT.

Come, hasten, boy.

JUAN.

Will you go with me, brother?

FRANCISCO.

I cannot, Juan; 't is not in my power;
May Heaven protect you, Juan!

MOTHER.

Oh, my child,
My joy and my delight, God won't forget thee!

JUAN.

O father! mother! whither will they bear me
Away from you?

MOTHER.

Permit me, worthy Signor,
To speak a moment in my infant's ear?
Grant me this small contentment; very soon
I shall know nought but grief.

MERCHANT.

What you would say
Say now; to-night is the last time.

MOTHER.

To-night
Is the first time my heart e'er felt such grief.

JUAN.

Pray keep me with you, mother, for I know not
Whither he 'd carry me.

MOTHER.

Alas! poor child,
Fortune forsook thee even at thy birth.

The heavens are overcast, the elements
Are turbid, and the very sea and winds
Are all combined against me. *Thou, my child,*
Know'st not the dark misfortunes into which
Thou art so early plunged, but happily
Lackest the power to comprehend thy fate.
What I would crave of thee, my life, since I
Must never more be blessed with seeing thee,
Is that thou never, never wilt forget
To say, as thou wert wont, thy *Ave Mary;*
For that bright queen of goodness, grace, and virtue
Can loosen all thy bonds and give thee freedom.

AYDAR.

Behold the wicked Christian, how she counsels
Her innocent child! You wish, then, that your child
Should, like yourself, continue still in error.

JUAN.

O mother, mother, may I not remain?
And must these Moors, then, carry me away?

MOTHER.

With thee, my child, they rob me of my treasures.

JUAN.

Oh, I am much afraid!

MOTHER.

'T is I, my child,
Who ought to fear at seeing thee depart.
Thou wilt forget thy God, me, and thyself.
What else can I expect from thee, abandoned
At such a tender age amongst a people
Full of deceit and all iniquity?

CRIER.

Silence, you villanous woman! if you would not
Have your head pay for what your tongue has done. [1]

[1] This translation is borrowed from Sismondi's Literature of the South of Europe, by Roscoe, Vol. III. p. 381. There is a letter of John Dunton, Mariner, addressed to the English Admiralty in 1637, which might furnish the foundation of a similar scene. "For my only son," he says, "is now a slave in Algier, and but ten years of age, and like to be lost forever, without God's great mercy and the king's clemency, which, I hope, may be in some manner obtained." — A True Journal of the Sallee Fleet, with the Proceedings of the Voyage, published by John Dunton, London Mariner, Master of the Admiral, called the Leopard: Osborne's Voyages, Vol. II. p. 492.

From such a scene we gladly turn away, while, in the sincerity of our hearts, we give our sympathies to the unhappy sufferers. Fain would we avert their fate; fain would we destroy the system of bondage that has made them wretched and their masters cruel. And yet we must not judge with harshness the Algerine slave-owner, who, reared in a religion of slavery, learned to regard Christians "guilty of a skin not colored like his own" as lawful prey, and found sanctions for his conduct in the injunctions of the Koran, the custom of his country, and the instinctive dictates of an imagined self-interest. It is, then, the "peculiar institution" which we are aroused to execrate, rather than the Algerine slave-masters glorying in its influence, nor perceiving their foul disfigurement.

TESTIMONY OF GENERAL EATON.

THERE is reason to believe that the sufferings of white slaves were not often greater than is the natural incident of slavery. An important authority presents this point in an interesting light. It is that of General Eaton, for some time consul of the United States at Tunis, and conqueror of Derne. In a letter to his wife, dated at Tunis, April 6, 1799, and written amidst opportunities of observation such as few have possessed, he briefly describes the condition of this unhappy class, illustrating it by a comparison less flattering to our country than to Barbary. "Many of the Christian slaves," he says, "have died of grief, and the others linger out a life less tolerable than death. Alas! remorse seizes my whole soul, when I reflect that this is, indeed, but a copy of the very barbarity which my eyes

have seen in my own native country. And yet we boast of liberty and national justice. How frequently, in the Southern States of my own country, have I seen weeping mothers leading the guiltless infants to the sales with as deep anguish as if they led them to the slaughter, and yet felt my bosom tranquil in the view of these aggressions upon defenceless humanity! But when I see the same enormities practised upon beings whose complexion and blood claim kindred with my own, I curse the perpetrators, and weep over the wretched victims of their rapacity. *Indeed, truth and justice demand from me the confession, that the Christian slaves among the barbarians of Africa are treated with more humanity than the African slaves among the professing Christians of civilized America.* And yet here sensibility bleeds at every pore for the wretches whom fate has doomed to slavery."[1] These words are explicit, although more terrible for us than for the Barbary States.

INFLUENCE OF THE KORAN.

SUCH testimony would seem to furnish a decisive standard by which to determine the character of White Slavery. But there are other considerations and authorities. One of these is the influence of religion on these barbarians. Travellers remark the kind treatment bestowed by Mahometans upon slaves.[2] The lash rarely, if ever, lacerates the back of the female; the knife or

[1] Life of General Eaton, p. 154.

[2] Wilson's Travels, p. 93. Noah's Travels, p. 302. Shaler's Sketches of Algiers, p. 77. Edinburgh Review, Vol. XXXVIII. p. 403. Quarterly Review, Vol. XV. p. 168.

branding-iron is not employed upon any human being to mark him as property of his fellow-man. Nor is the slave doomed, as in other countries, where the Christian religion is professed, to unconditional and perpetual service, without prospect of *redemption*. Hope, the last friend of misfortune, may brighten his captivity. He is not so walled up by inhuman institutions as to be inaccessible to freedom. "And unto such of your slaves," says the Koran, in words worthy of adoption in the legislation of Christian countries, "as desire a written instrument allowing them to redeem themselves on paying a certain sum, write one, if ye know good in them, and give them of the riches of God which he hath given you."[1] Thus from the Koran, which ordains slavery, come lessons of benignity to the slave; and one of the most touching stories in Mahometanism is of the generosity of Ali, the companion of the Prophet, who, after fasting for three days, gave his whole provision to a captive not more famished than himself.[2]

Such precepts and examples had their influence in Algiers. It is evident, from the history of the country, that the prejudice of race did not so far prevail as to stamp upon slaves and their descendants any indelible mark of exclusion from power and influence. It often happened that they attained to great posts in the state. The seat of the Deys was filled more than once by humble captives who had tugged for years at the oar.[3]

[1] Sale's Koran, Chap. XXIV. Vol. II. p. 194. — The right of redemption was recognized by the Hindoo laws. (Halhed's Code, Chap. VIII. § 2.) It was unknown in the British West Indies while slavery existed there. (Stephen on West India Slavery, Vol. I. p. 378.) It is also unknown in the Slave States of our country.

[2] Sale's Koran, Chap. LXXVI. Vol. II. p. 474, note.

[3] Haedo, Historia de Argel, p. 122. Quarterly Review, Vol. XV. pp. 169, 172. Shaler's Sketches of Algiers, p. 77. Short Account of Algiers, pp. 22,

APOLOGIES FOR WHITE SLAVERY.

Nor do we feel, from the narratives of captives and of travellers, that the condition of the white slave was rigorous beyond the ordinary lot of slavery. "The Captive's Story" in Don Quixote fails to impress the reader with any peculiar horror of the life from which he escaped. It is often said that the sufferings of Cervantes were among the most severe which even Algiers could inflict.[1] But they did not repress the gayety of his temper; and we learn that in the building where he was confined there was a chapel or oratory in which mass was celebrated, the sacrament administered, and sermons regularly preached by captive priests. Nor was this all. The pleasures of the theatre were enjoyed by these slaves; and the farces of Lope de Rueda, a favorite Spanish dramatist of the time, served, in actual representation, to cheer this house of bondage.[2]

The experience of the devoted Portuguese ecclesiastic, Father Thomas, illustrates this lot. A slave in Morocco, he was able to minister to his fellow-slaves, and to compose a work on the Passion of Jesus Christ, much admired for its unction, and translated into various tongues. Liberated at last through the intervention of the Portuguese government, he chose to remain behind, notwithstanding the solicitations of relatives at home,

25. — It seems to have been supposed, that, according to the Koran, the condition of slavery ceased when the party became a Mussulman. (Penny Cyclopædia: Art. *Slavery*. Noah's Travels, p. 302. Shaler's Sketches, p. 69.) In point of fact, freedom generally followed conversion; but I do not find any injunction on the subject in the Koran.

[1] "*De los peores que en Argel auia.*" — Haedo, Historia de Argel, p. 85. Navarrete, Vida de Cervantes, p. 361.

[2] Roscoe, Life of Cervantes, pp. 303, 304. Cervantes, Baños de Argel.

that he might continue to instruct and console the unhappy men, his late companions in bonds.[1]

Even the story of St. Vincent de Paul, so brutally sold in the public square, is not without gleam of light. He was bought by a fisherman, who was soon constrained to get rid of him, "having nothing so contrary except the sea." He then passed into the hands of an old man, whom he pleasantly describes as a chemical doctor, a sovereign extractor of quintessences, very humane and kind, who had labored for the space of fifty years in search of the philosopher's stone. "He loved me very much," says the fugitive slave, "and pleased himself by discoursing to me of alchemy, and then of his religion, to which he made every effort to draw me, promising me abundant riches and all his learning." On the death of this master he passed to a nephew, by whom he was sold to still another person, a renegade from Nice, who took him to the mountains, where the country was extremely hot and desert. The Turkish wife of the latter, becoming interested in him, and curious to know his manner of living at home, came to see him every day at his work in the fields, and listened with delight to the slave, away from his country and the churches of his religion, as he sang the psalm of the children of Israel in a foreign land: "By the rivers of Babylon there we sat down; yea, we wept when we remembered Zion."[2] Here is a touch of romance, which is all the more interesting when we consider the great life in which it occurs.

The kindness of these slave-masters often appears.

[1] Biographie Universelle (Michaud): Art. *Thomas de Jésus.* Digby's Broad Stone of Honor, *Tancredus*, § 9, p. 181.

[2] Biographie Universelle: Art. *Vincent de Paul.*

The English merchant, Abraham Brown, whose sale at Sallee has been already described, confesses, that, after he was carried home, his wounds were tenderly washed and dressed by his master's wife, and, "indeed, the whole family gave him comfortable words." He was furnished with a mat to lie on, "and some three or four days after provided with a shirt, such a one as it was, a pair of shoes, and an old doublet." His servile toils troubled him less than "being commanded by a negro man, who had been a long time in his patron's house a freeman, at whose beck and command he was obliged to be obedient for the doing of the least about the house or mill"; and he concludes his lament on this degradation as follows: "Thus I, who had commanded many men in several parts of the world, must now be commanded by a negro, who, with his two country-women in the house, scorned to drink out of the water-pot I drank of, whereby I was despised of the despised people of the world."[1] Here the free negro played the part so often played by the white overseer in our own country.

At a later day we are instructed by another authentic picture. Captain Braithwaite, who accompanied the British Legation to Morocco in 1727, on a generous mission of liberation, after describing their comfortable condition, adds: "I am sure we saw several captives who lived much better in Barbary than ever they did in their own country. . . . . Whatever money in charity was ever sent them by their friends in Europe was their own, unless they defrauded one another, which has happened much oftener than by the Moors. In short, the captives have a much greater property than

[1] Memoirs, MS.

the Moors in what they get, several of them being rich, and many have carried considerable sums out of the country, to the truth of which we are all witnesses. Several captives keep their mules, and some their servants; and yet this is called insupportable slavery among Turks and Moors. But we found this, as well as many other things in this country, strangely misrepresented."[1] Listening to such words, I seem to hear the apologies for slavery among ourselves.

Candor compels the admission that these authorities — which, with those who do not place freedom above all price, seem to take the sting from slavery — are not without support from other sources. Colonel Keatinge, who, as member of a diplomatic mission from England, visited Morocco in 1785, says of this evil there, that "it is very slightly inflicted," and "as to any labor undergone, it does not deserve the name";[2] while Mr. Lempriere, who was in the same country not long afterwards, adds: "To the disgrace of Europe, the Moors treat their slaves with humanity."[3] In Tripoli, we are told, by a person for ten years resident, that the same gentleness prevailed. "It is a great alleviation to our feelings on their account," says the writer, speaking of the slaves, "to see them easy and well-dressed; and so far from wearing chains, as captives do in most other places, they are here perfectly at liberty."[4] We have already seen the testimony of General Eaton with regard to slavery in Tunis; while Mr. Noah, one of his successors in the consulate of the United States at that place, says:

[1] Braithwaite's Revolutions in Morocco, p. 353.

[2] Keatinge's Travels, p. 250. Quarterly Review, Vol. XV. p. 146. See also Chénier's Present State of Morocco, Vol. I. p. 192, Vol. II. p. 369.

[3] Lempriere's Tour, p. 290. See also pp. 3, 147, 190, 279.

[4] Narrative of a Ten Years' Residence at Tripoli, p. 241.

"In Tunis, from my observation, the slaves are not severely treated; and many of them have made money."[1] And Mr. Shaler, speaking of the chief seat of Christian slavery, says: "In short, there were slaves who left Algiers with regret."[2] How singularly present apologies for our slavery echo these voices from the Barbary States!

A French writer of more recent date asserts, with some vehemence, and with the authority of an eye-witness, that the white slaves at Algiers were not exposed to the miseries which they represented. I do not know that he vindicates their slavery, but, like Captain Braithwaite, he evidently regards many of them as better off than they would be at home. According to him, they were well clad and well fed, *much better than free Christians there*, — precisely as it is said that our slaves are much better off than free negroes. The youngest and most comely were taken as pages by the Dey. Others were employed in the barracks; others in the galleys: but even here there was a chapel, as in the time of Cervantes, for the free exercise of the Christian religion. Those who happened to be artisans, as carpenters, locksmiths, and calkers, were let to the owners of vessels; others were employed on the public works; while others still were allowed the privilege of keeping a shop, where their profits were sometimes so large as to enable them at the end of a year to purchase their ransom. But these were often known to become indifferent to freedom, preferring Algiers to their own country. Slaves of private persons were sometimes employed in the family of their master, where their treatment necessarily depended much upon his character. If he was

[1] Travels, p. 368.

[2] Sketches of Algiers, p. 77.

gentle and humane, their lot was fortunate; they were regarded as children of the house. If he was harsh and selfish, then the iron of slavery did indeed enter their souls. Many were bought to be sold again for profit into distant parts of the country, where they were doomed to exhausting labor; in which event their condition was most grievous. But special care was bestowed upon those who became ill, — not so much, it is said, from humanity as through fear of losing them.[1] This whole story seems to be told of us, rather than of others.

HATEFUL CHARACTER.

Whatever deductions may be made from familiar stories of White Slavery, — allowing that it was mitigated by the genial influence of Mahometanism, — that the captives were well clad and well fed, much better than free Christians there, — that they were permitted opportunities of Christian worship, — that they were often treated with lenity and affectionate care, — that they were sometimes advanced to posts of responsibility and honor, — and that they were known, in contentment or stolidity, to become indifferent to freedom, — still the institution or custom is hardly less hateful. Slavery, in all its forms, even under mildest influences, is a wrong and a curse. No accidental gentleness of the master can make it otherwise. Against it reason, experience, the heart of man, all cry out. "Disguise thyself as thou wilt, still, Slavery, still thou art a bitter

[1] Histoire d'Alger: Description de ce Royaume, etc., de ses Forces de Terre et de Mer, Mœurs et Costumes des Habitans, des Mores, des Arabes, des Juifs, des Chrétiens, de ses Lois, etc. (Paris, 1830), Chap. XXVII.

draught; and though thousands in all ages have been made to drink of thee, thou art no less bitter on that account." [1] Algerine Slavery was a violation of the Law of Nature and of God. It was a usurpation of rights not granted to man.

> "O execrable son, so to aspire
> Above his brethren, to himself assuming
> Authority usurped, from God not given!
> He gave us only over beast, fish, fowl
> Dominion absolute; that right we hold
> By his donation; but man over men
> He made not lord, such title to himself
> Reserving, human left from human free." [2]

Such a God-defying relation could not fail to accumulate disaster upon all in any way parties to it; for injustice and wrong are fatal alike to doer and sufferer. Notoriously in Algiers it exerted a most pernicious influence on master as well as slave. The slave was crushed and degraded, his intelligence abased, even his love of freedom extinguished. The master, accustomed from childhood to revolting inequalities of condition, was exalted into a mood of unconscious arrogance and self-confidence inconsistent with the virtues of a pure and upright character. Unlimited power is apt to stretch towards license; and the wives and daughters of white slaves were often pressed to be the concubines of Algerine masters.[3]

[1] Sterne, Sentimental Journey: *The Passport: The Hotel at Paris.*

[2] Paradise Lost, Book XII. 64–71.

[3] Noah's Travels, pp. 248, 253. Quarterly Review, Vol. XV. p. 168. — Among the concubines of a prince of Morocco were two slaves of the age of fifteen, one English and the other French. (Lempriere's Tour, p. 147.) The fate of "one Mrs. Shaw, an Irish woman," is given in words hardly polite enough to be quoted. She was swept into the harem of Muley Ismael, who "forced her to turn Moor; .... but soon after, having taken a dislike to her, he gave her to a soldier." — Braithwaite's Morocco, p. 191.

It is well, then, that it has passed away. The Barbary States seem less barbarous, when we no longer discern this cruel oppression.

BLACK SLAVERY REMAINS.

THE story of slavery in the Barbary States is not yet all told. While they received white slaves from sea, captured by corsairs, they also, time immemorial, imported black slaves out of the South. Over the vast, illimitable sea of sand, absorbing their southern border, traversed by camels, those "ships of the desert," were brought these unfortunate beings, as merchandise, with gold-dust and ivory, doomed often to insufferable torment, while cruel thirst parched the lips, and tears vainly moistened the eyes. They also were ravished from home, and, like their white brethren from the North, compelled to taste of slavery.

In numbers they far exceeded their white peers. But for long years no pen or voice pleaded their cause; nor did the Christian nations, professing a religion which teaches universal humanity without respect of persons, and sends the precious sympathies of neighborhood to all who suffer, even at the farthest pole, ever interferé in their behalf. The navy of Great Britain, by the throat of its artillery, argued the freedom of all *fellow-Christians*, without distinction of *nation*, but heeded not the slavery of others, brethren in bonds, Mahometans or idolaters, children of the same Father in heaven. Lord Exmouth did but half his work. Confining the stipulation to the abolition of Christian slavery, this Abolitionist made a discrimination, which, whether founded on religion or color, was self-

ish and unchristian. Here, again, we notice the same inconsistency which appeared in Charles the Fifth, and has constantly recurred throughout the history of this outrage. Forgetful of the Brotherhood of Man, Christian powers deem the slavery of blacks just and proper, while the slavery of whites is branded unjust and sinful.

As the British fleet proudly sailed from the harbor of Algiers, bearing its emancipated white slaves, and the express stipulation that Christian slavery was abolished there forever, it left behind in bondage large numbers of blacks, distributed throughout the Barbary States. Neglected thus by exclusive and unchristian Christendom, it is pleasant to know that their lot is not always unhappy. In Morocco negroes are still detained as slaves; but the prejudice of color seems not to prevail. They have been called "the grand cavaliers of this part of Barbary."[1] They often become the chief magistrates and rulers of cities.[2] They have constituted the body-guard of emperors, and, on one occasion at least, exercised the prerogative of Prætorian Cohort, in dethroning their master.[3] If negro slavery still exists here, it has little of the degradation it entails elsewhere. Into Algiers France has carried the benign principle of law, which assures freedom to all beneath its influence. And now we are cheered by the glad tidings, that the Bey of Tunis, "for the glory of God, and to distinguish man from the brute creation," has decreed the total abolition of human slavery throughout his dominions.

[1] Braithwaite's Morocco, p. 350. See also Quarterly Review, Vol. XV. p. 168.

[2] Braithwaite, p. 222.

[3] Ibid., p. 381.

Turn, then, with hope and confidence to the Barbary States! Virtues and charities do not come singly. There is among them a common bond, stronger than that of science or knowledge. Let one find admission, and a goodly troop will follow. Nor is it unreasonable to anticipate other improvements in states which have renounced a long-cherished system of White Slavery, while they have done much to abolish or mitigate the slavery of others not white, and to overcome the inhuman prejudice of color. The Christian nations of Europe first declared, and practically enforced within their own European dominions, the vital truth of freedom, that man cannot hold property in his brother-man. Algiers and Tunis, like Saul of Tarsus, are turned from the path of persecution, and now receive the same faith. Algiers and Tunis help to plead the cause of Freedom. Such a cause is in sacred fellowship with all those principles which promote the Progress of Man. And who can tell that this despised portion of the globe is not destined to yet another restoration? It was here in Northern Africa that civilization was first nursed, that commerce early spread her white wings, that Christianity was taught by the honeyed lips of Augustine. All these are returning to their ancient home. Civilization, commerce, and Christianity once more shed benignant influence upon the land to which they have long been strangers. New health and vigor animate its exertions. Like its own giant Antæus, whose tomb is placed by tradition among the hillsides of Algiers, it has been often felled to earth, but now rises, with renewed strength, to gain yet nobler victories.

RIVAL SYSTEMS OF PRISON DISCIPLINE.

SPEECH BEFORE THE BOSTON PRISON DISCIPLINE SOCIETY, AT THE TREMONT TEMPLE, JUNE 18, 1847.

AT the anniversary of the Boston Prison Discipline Society, in Park Street Church, May 27, 1845, Mr. Sumner was present, in company with his friend, Dr. S. G. Howe. Listening to the Annual Report, they were painfully impressed by its tone, and especially by the injustice done to excellent persons in Philadelphia, sustaining what was known as the Pennsylvania System. Without being an advocate of this system, or committing himself to it in any way, Mr. Sumner thought that it ought to be fairly considered, and that there should be no harsh imputations upon its supporters. With the encouragement of Dr. Howe, he came forward, and, in a few unpremeditated remarks, sought to point out the error of the Report, and concluded with a motion for a select committee to review and modify it, with power to visit Philadelphia in the name of the Society, and ascertain on the spot the true character of the system so strongly condemned. The motion prevailed, and the President, who was the Rev. Dr. Wayland, appointed Dr S. G. Howe, Mr. Sumner, Hon. S. A. Eliot, Hon. Horace Mann, Dr. Walter Channing, Rev. Louis Dwight, Hon. George T. Bigelow, and Hon. J. W. Edmonds of New York, as the committee. This was the beginning of a prolonged controversy, little anticipated when Mr. Sumner first came forward, where feeling was displayed beyond what seemed natural to such a question.

The day after this meeting, Mr. Sumner received a friendly letter from the President of the Society, thanking him for the remarks he had made, and encouraging him to persevere. This letter will be found in the speech preserved in this volume.

The Committee visited Philadelphia, where they were received with honor and kindness by the gentlemen interested in Prison Discipline, and examined the Penitentiary with every opportunity that could be desired. An elaborate Report was prepared by Dr. Howe. How this failed to be adopted as the Report of the Committee, and to be embodied in the Annual Report of the Society, is narrated in the speech below. It was afterwards published as a pamphlet, entitled "An Essay on Separate

and Congregate Systems of Prison Discipline, being a Report made to the Boston Prison Discipline Society," and is, beyond question, a most important contribution to the science of Prison Discipline. The proper treatment of criminals is here considered with singular power and sympathetic humanity.

Disappointed in the effort to obtain a candid hearing through a Report, the subject was presented again at the anniversary of the Society, May 26, 1846. Mr. Sumner made a speech of some length, published in the newspapers, concluding with a motion for the appointment of a committee to examine and review the former printed Report of the Society, also the course of the Society, and to consider if its action could in any way be varied or amended, so that its usefulness might be extended. Mr. Sumner, George S. Hillard, Esq., Bradford Sumner, Esq., Dr. Walter Channing, Rev. Louis Dwight, and President Wayland were appointed the committee, it being understood that they would not report before the next annual meeting.

Meanwhile the controversy widened in its sphere, embracing newspapers, and extending to Europe, where it excited uncommon interest. The "Law Reporter," an important law journal, edited by Peleg W. Chandler, Esq., thus referred to the late meeting, and to Mr. Sumner's speech on the occasion.

"Mr. Sumner proceeded, in a strain of great eloquence and power, to condemn the course which the Society had pursued in past years, illustrating his points by facts which are by no means creditable to the Society, averring, among other things, that the statements contained in the Annual Reports had been pronounced false by public reports in this country and in Europe, and that a letter from the Hon. William Jay, an honorary Vice-President of the Society, and also a letter from Dr. Bell, a corresponding member, in favor of the Separate System, had both never been read to the Society, nor published."[1]

At the same time the Law Reporter translated and published a German article by Dr. Varrentrapp, of Frankfort-on-the-Main, which appeared originally in the *Jahrbücher der Gefängnisskunde und Besserungsanstalten* (Annals of Prisons and Houses of Correction), where the Reports of our Society were canvassed with great severity.[2]

Mr. Sumner's speech was reprinted at Liverpool in a pamphlet. Letters from England, France, and Germany attested the concern in those countries. Among the eminent persons who watched the discussion was M. de Tocqueville, whose letter on the subject will be found at the end of the speech below. At home it called forth an able pamphlet by Hon. Francis C. Gray, entitled "Prison Discipline in America," which took ground against the Pennsylvania System.

[1] Law Reporter, July, 1846, Vol. IX. p. 98. [2] Ibid., p. 99.

At the succeeding anniversary, May 25, 1847, Mr. Sumner, for himself and two of his associates on the Committee, (Dr. Wayland and Mr. Hillard,) presented a Report, which was printed in the newspapers. Its character will be inferred from the Resolutions with which it concluded.

"*Resolved*, That the object of our Society is to promote the improvement of public prisons.

"*Resolved*, That our Society is not, and ought not to be considered, the pledged advocate of the Auburn System of Prison Discipline, or of any other system now in existence, — and that its Reports should set forth, with strict impartiality, the merits and demerits of any and all systems.

"*Resolved*, That we recognize the Directors of the Eastern Penitentiary of Pennsylvania as sincere, conscientious, and philanthropic fellow-laborers in the great cause of Prison Discipline.

"*Resolved*, That, if any expressions of disrespect have appeared in our Reports, or been uttered at any of our public meetings, which have justly given pain to our brethren, our Society sincerely regrets them.

"*Resolved*, That our Society should strive, by increased action on the part of its officers and of its individual members, to extend its usefulness.

"*Resolved*, That the Board of Managers be requested to organize a new system of action for the Society, which shall enlist the coöperation of its individual members."

The adoption of these Resolutions being opposed, the meeting was adjourned for their consideration till the evening of May 28th, when Mr. Sumner supported them in a speech of some length, which will be found in the newspapers. Other meetings followed, by adjournment, on the evenings of June 2d, 4th, 9th, 11th, 16th, 18th, and 23d. These were all at the Tremont Temple, and were attended by large and most intelligent audiences, evincing at times a good deal of feeling. They were presided over by Hon. Theodore Lyman, a Vice-President of the Society. The Resolutions were supported by Dr. Howe, Mr. Hillard, Rev. Francis Parkman, and Henry H. Fuller, Esq. They were opposed by Hon. S. A. Eliot (the Treasurer of the Society), Rev. Louis Dwight (the Secretary), Hon. Francis C. Gray, Bradford Sumner, Esq., Rev. George Allen, Dr. Walter Channing, and J. Thomas Stevenson, Esq. On the evening of June 18th, Mr. Sumner took the floor and reviewed the whole debate. Other speeches by him are omitted. This is given at length, as opening the main points of controversy, and especially the principles involved.

MR. PRESIDENT, — As Chairman of the Committee whose Report and Resolutions are now under consideration, it becomes my duty to review and to close this debate. The reapers have been many, and

the sickles keen; but the field is ample, and the harvest abundant; so that, even at this late period, I may hope to be no superfluous gleaner.

Before entering upon our labor, let us refresh ourselves by the contemplation of the unquestioned good accruing from these protracted meetings. All will feel how well it is for our Society that its attention is at last turned in upon itself, and that it is led to that self-examination enjoined upon every good man, with a view to future usefulness. All, too, will feel, whatever may be the immediate vote on the question before us, that this discussion has excited an unwonted interest in behalf of those who are in prison, and that under its influences a sacred sympathy has vibrated from heart to heart. Thus much for the unquestioned good.

Mr. President, I approach this discussion with regret, feeling that I must say some things which I would gladly leave unsaid. I shall not, however, decline the duty which is cast upon me. In its performance I hope to be pardoned, if I speak frankly and freely; I trust it will be gently and kindly. I will borrow from the honorable Treasurer, with his permission, something of his frankness, without his temper. As I propose to adduce facts, I shall be grateful to any gentleman who will correct me where I seem to be wrong. For such a purpose I will cheerfully yield the floor, even to the Treasurer, though his sense of justice did not suffer him, while on the floor, to give me an opportunity of correcting a misstatement he made of what I said on a former occasion.

Let me begin by a reference — which I would rather avoid — to myself and my personal relations to this inquiry. I was brought up at the feet of our Society.

My earliest recollection of anything like the cause to which it is devoted does not extend beyond the period of its origin. My early partialities were in favor of its course, and of the system of Prison Discipline it has advocated. I had read its Reports, and circulated them at home and abroad, and felt grateful to their author. Other studies, and some acquaintance with the elaborate labors by which the science of Prison Discipline has been advanced in Europe, led me first to doubt the action of our Society, and finally to the conviction that it was not candid and just, particularly in the treatment of the Pennsylvania System. With this impression, I attended the anniversary of 1845, where I listened to what seemed a discreditable Report from the Board of Managers, in which this system was treated ignorantly, ungenerously, and unjustly, while the officer of our Society whose duty it was to read the Report, in words which fell from him while reading it, seemed to impeach the veracity of the Inspectors of the Penitentiary at Philadelphia. In concurrence with a friend on my right [Dr. HOWE], I was emboldened to ask a reference of the Report to a select committee, with power to review and modify it, and to visit Philadelphia, in order to ascertain on the spot the true character of the system of Prison Discipline there practised, *and to incorporate a report of their proceedings in the next Annual Report of the Society.* What I said was of the moment. I spoke in behalf of the absent, and, in a certain sense, as the representative of the unrepresented, believing that gross injustice was done to them and to their system. My aim was to recall the Society to that candor and justice which self-respect, to say nothing of its Christian professions, seemed to require.

Here let me indulge in a reminiscence. It is the custom to open our meetings with prayer. By the records of our Society it appears that at its earliest anniversary, as long ago as 1826, this service was performed by an eminent clergyman, the deserved favorite of his own denomination, and much respected by all others. This public profession of interest in the cause was followed by other manifestations of it. He became a manager of our Society. Subsequently, yielding to the call of the University at Providence, he left Boston and became President of that important seat of learning. His labors were not restricted to academic duties. By his pen, and the wide influence of his remarkable character, he was felt in various fields of labor throughout the country. His interest in Prison Discipline was constant, and in 1843 he was chosen President of our Society. Placing him at its head, we justly honored one of our earliest and most distinguished friends. He was in the chair on the anniversary to which I have referred. His sense of the injustice to the gentlemen of Philadelphia was great. As the most authentic expression of his opinions on that occasion, influencing, as they have, the subsequent proceedings of those who seek a change in the course of our Society, I read a letter from him, written on the evening of that anniversary.

"PROVIDENCE, May 27, 1845.

"MY DEAR SUMNER,—I cannot resist the impulse to thank you again for your remarks this morning. I had resolved, before you rose, to return home and immediately resign office in the Society; for I could not allow my influence, though ever so small, to be used for the purpose of (as it seemed to me) vilifying the intentions of good and honorable men. I cannot perceive how we can, with any show of pro-

priety, use language, in respect to absent gentlemen, which, in the ordinary intercourse of society, would be just cause of irreconcilable variance. I agree with you entirely as to the object of the Society. It is to improve the discipline of prisons, and it should hail, as fellow-laborers, all who are honestly engaged in the same cause. The cause requires the trial of various experiments, and our business is to collect, in good faith, and with catholic liberality, the results of all, that so, by the comparison of results, the best end may be attained. I thank you over and over again for coming forward so nobly in defence of the absent, and for placing the object of the Society on its true basis, instead of allowing it to be a mere antagonist to the gentlemen at Philadelphia. In all this, of course, I mean no unkindness to any one. I only feel that by looking at an object steadily and earnestly in only one light we are all liable to lose sight of its wider relations.

"I am, so far as I see, in favor of the Auburn System; but I want to know something of all of the systems, and am, I trust, anxious to learn the facts. I wrote an article in the North American Review, some time since, on the subject. I am inclined to the same view still. But this is no reason why I should disparage the labor of others.

"You seem interested in this matter, and I feel rejoiced at it. I cannot but hope that good will come of it. Let me suggest a few things, by way of indication, that may possibly be improved.

"1. Is it wise to have our Annual Reports so far *extempore?* What we sanction should be *ipsissima verba.* Our character as men is involved in what we hear and order to be published.

"2. It seems to me that our expenditure should be used with great attention to results. The statistics which we have are important, but I doubt whether they always bear so closely on our object as they might. Why would it not be

desirable to investigate the great subject of *Pauperism*, and that of *Criminal Law*, which, together, do almost the whole work of filling our prisons?

"3. Do the Executive Committee really take these subjects in hand, and give direction to the labors of the Society? They have a very responsible situation, and cannot discharge it by simply auditing bills. Can they not be induced to labor earnestly in this matter?

"4. It seems that John Augustus, a poor man, has done much. We praise him. This is well. Can we not take means for following his example?

"These things have occurred to me, and I know that you will pardon me for suggesting them. I believe that there is here a field for doing great good. When I think of the good which Miss Dix, alone and unaided, has done, I cannot but believe that we might do more. To the gentlemen of your profession we specially look for aid in this matter. Can you labor in any philanthropic object with better prospect of success? Excuse my freedom. I have no right to set you or any one else at work. I am ashamed to be president of a society for which I do so little, and will gladly remove myself out of the way, and have earnestly desired to do so. I, however, hold myself ready to do anything that may be in my power to advance the cause in which we are engaged.

"I am, my dear Sir, yours very truly,

"C. SUMNER, Esq." "F. WAYLAND.

The committee appointed under the Resolution examined the Report of the Managers, and visited Philadelphia. A Report prepared by their chairman, Dr. Howe, was made a Minority Report by the votes of the Treasurer and Secretary, officers of the Society, and both of them, as appears from the records, involved in the authorship of the original Report which gave occasion to the inquiry, and therefore, it would seem, in the light

of propriety, if not of parliamentary rules, hardly competent to sit on the committee. It was next proposed that the Report, although by a minority, should, in pursuance of the instruction in the original Resolution, "be incorporated in the next Annual Report." This, it appears from the records, was submitted to the Board of Managers, May 7, 1846, where it was opposed by the Treasurer. On May 21st it was referred to a meeting of the whole Society, convened at the dwelling-house of the Secretary: for our association dilates at times to dimensions ample as this large audience, and then again shrinks, if need be, to the narrow space occupied by its Secretary. At this meeting, on motion of the Treasurer, still another impediment was thrown in the way of printing the Report, in pursuance of the original Resolution. At the business meeting of the Society, May 25th, on the day preceding the anniversary, I made still another ineffectual attempt to have this Report appear among the transactions of the Society. This was followed by a Resolution, on motion of Mr. Nathaniel Willis, a near connection of the Secretary, as follows: —

"*Voted*, That it is not expedient to discuss the subject at the anniversary meeting."

It was at the anniversary meeting, however, that I was determined to discuss the subject, being assured, that, in the presence of a wakeful public, the will of one or two individuals could not control the course of the Society. Accordingly I took the floor and proceeded to speak, when I was strangely encountered by the Secretary, who ejaculated: "Mr. President, the annual meeting was interrupted in this manner last year; there are gentlemen present who are invited by the Committee of Arrangements to address us." On this remarkable frag-

ment of a speech I made no comment at the time. I shall make none now; but I cannot forbear quoting the words of the able editor of the Law Reporter with regard to it. "It would seem," he says, "that the addresses at the public meetings of this Society are all cut and dried beforehand, made to order, — a fact that might as well have been kept back, under the circumstances, for the credit of all concerned." [1] Notwithstanding this interference, I proceeded to expose the prejudiced and partisan course of the Society, and its consequent loss of credit, concluding with a motion for a committee to consider its past conduct, and the best means of extending its usefulness. The motion, though opposed at the time, was adopted. It is the Report of that committee which is now before you.

This Report, when offered to the Society, was first opposed on grounds of *form*. It is now opposed on other grounds, hardly more pertinent, though not of form only. Thus at every step have honest efforts to elevate the character of the Society, and to extend its usefulness, been encountered by opposition. Under the auspices of the Treasurer and Secretary, the Society shrinks from examination and inquiry. Like the sensitive leaf, it closes at the touch. Nay, more: it repels all endeavor to wake it to new life. It seems to have adopted, as its guardian motto, that remarkable epitaph which for more than two centuries has preserved from examination and intrusion the sacred remains of the greatest master of our tongue: —

> "Good friend, for Jesus' sake, forbear
> To dig the dust enclosed here!
> Blest be the man that spares these stones,
> And curst be he that moves my bones!"

[1] Law Reporter, July, 1846, Vol. IX. p. 98.

The Boston Prison Discipline Society is not William Shakespeare; nor is it yet dead. But the maledictions of the epitaph have fallen upon those of us undertaking to "move its bones."

The Treasurer has impeached our motives. Sir, I impeach no man's motives; but I do submit, that, if the motives of any person are drawn in question, it cannot be those of gentlemen originating this inquiry, but rather of those few whose pride of opinion is intertwined with the whole course of the Society. Again, it is said that we are "intruders." That was the word. Is your predecessor, Sir, the Rev. Dr. Wayland, who is one of the authors of the report, an intruder? Are the gentlemen sustaining the Report in this debate intruders? Are we not all members of this Society, and as such bound to exertion, according to our abilities, in carrying forward its objects? Who shall call us intruders? Sir, I apply this term to no man, and to no set of men; but I cannot forbear saying, that, if its injurious suggestion be applicable to anybody, it cannot be to those honestly striving to elevate the character of the Society, and to extend its usefulness, but rather to those who meet these efforts with constant opposition, and declare, as has been done in this debate, that "it is the policy of the Society to act by one man only." It is also insinuated that one of the gentlemen supporting the Report, a valued friend of mine, has shown undue confidence in his own opinions: I do not remember the word employed. Sir, his modest character and services, which have been gratefully recognized in both hemispheres, and his intimate acquaintance with the subject, entitle him to speak with firmness. I do not charge the gentleman who dealt this insinuation with vanity

or self-esteem, though it did seem to me that it came with ill grace from one who in the course of a short speech contrived to announce himself as Treasurer of the Boston Prison Discipline Society, next as Treasurer of Harvard College, and, not content with this, told us that he had once been a member of the City Government, and a Senator of the Commonwealth! I will not follow these personalities further. I allude to them with regret. They are a part of the poisoned ingredients — "eye of newt and toe of frog" — which the Treasurer has dropped into the caldron of this debate.

I now pass to the question. The Report and the accompanying Resolutions present three principal points: *first*, the duty and pledge on our part of candor and impartiality between the different systems of Prison Discipline; *secondly*, the duty of offering some expression of regret to our brethren in Philadelphia on account of the past; *thirdly*, the duty of our officers to make increased exertions, particularly by enlisting the coöperation of individual members.

To these several propositions we have had various replies, occupying no inconsiderable time. We have listened to the humane sentiments of my friend on the left [Dr. Walter Channing], to the inappropriate twice-told statistics of my other friend [Mr. F. C. Gray], to the labored argument of my professional brother [Mr. Bradford Sumner], to the two addresses of the reverend gentleman from Worcester [Rev. George Allen]. Let me say, that I have many sympathies with this gentleman. With admiration and delight I have recently read a production of his, entitled "Resistance to Slavery Every Man's Duty." Here his own powers an-

swered to the grandeur of his cause. If he has failed in the present debate, it cannot be from lack of ability or from shortness of time. Lastly, we have been made partakers of that singular utterance from our Treasurer, which abounded so largely in the excellence that Byron found in Mitford, the historian of Greece, and which he said should characterize all good historians, — "wrath and partiality."

It is my purpose to consider and sustain the positions of the Report and Resolutions, and, in the course of my remarks, to repel the objections raised against them. In doing this, I shall confine myself to the topics which occupied the attention of the Committee. This will lead me to put aside one suggestion, of an irrelevant character, introduced into this debate by a friend not of the Committee: I refer to the charge of Sectarianism. This did not enter into the deliberations of the Committee, and formed no part of the Report. If there be in the past course of the Society any ground for this charge, — and on this I express no opinion, — it will doubtless find a corrective in what has been said here. As I do not ask your acceptance of the Report and Resolutions on this ground, so I appeal to your candor in their behalf irrespectively of any considerations arising from the introduction of this topic.

I.

The first point for consideration is the duty and pledge on our part of candor and impartiality between the different systems of Prison Discipline. Here I might, perhaps, content myself with a bare enumeration of these systems, and ask the Society if they are so

fully convinced with regard to the comparative merits of each as to embrace one, and to reject, absolutely, all the others. For instance, I mention four different systems. *First*, that of Pennsylvania, so much discussed, the principal feature of which is separation of prisoners from each other both by day and night, with labor in cells. *Secondly*, that of Auburn, where the prisoners are in separate cells by night, but labor in common workshops, in *enforced silence*, by day. *Thirdly*, a system compounded of these two, according to which certain prisoners are treated as at Auburn, and certain others as in Pennsylvania, — sometimes called the Mixed System, and sometimes that of Lausanne, from the circumstance that here, in Switzerland, — interesting to us as the place where Gibbon wrote his great history, — there is a prison of this character. *Fourthly*, there is still another system, — or, perhaps, absence of system, — which is followed at Munich, and is called after Obermaier, the benevolent head of the prison in that place, who has rejected the separate cell of Pennsylvania by day, and also the corporal punishment and enforced silence of Auburn. Our own prison at Charlestown, also marked by absence of system, seems to me not unlike that of Obermaier. A similar benevolence emanates from the head of each of these institutions.

In each and all of these systems there is, doubtless, much that we should hesitate to condemn, and which it becomes us, as honest inquirers, to examine carefully and seek to comprehend. Calling upon our Society for a pledge of candor and impartiality, it will not be disguised that there are special reasons from its past course. Properly to appreciate this course, and to understand the unfortunate position of ungenerous antagonism to

the Pennsylvania System which we now occupy, it will be necessary to consider the origin and true character of that system. This will lead to some minuteness of historical detail.

Turning our eyes to the condition of prisons during the last century, we perceive that scarcely a single ray of humanity had then penetrated their dreary confines. Idleness, debauchery, blasphemy, brutality, squalor, disease, wretchedness, mingled in them as in a hateful sty. All the unfortunate children of crime, the hardened felon, whose soul was blotted by continual guilt, and the youthful victim, who had just yielded to temptation, but whose countenance still mantled with the blush of virtue, and whose soul had not lost all its original brightness, were crowded together, without separation or classification, in one promiscuous, fermenting mass of wickedness, with scanty food and raiment, with few or no means of cleanliness, a miserable prey to the contagion of disease, and the worse contagion of vice and sin. The abject social degradation of the ancient Britons, in the picture drawn by Julius Cæsar, excites our wonder to a less degree than the well-authenticated condition of the poor prisoners in the polished annals of George the Third.

Of all the circumstances which conspired to produce this wretchedness, it cannot be doubted that the promiscuous commingling of the prisoners in one animal herd was the most to be deplored. This evil arrested general attention. In France it enkindled the burning eloquence of Mirabeau, as in England it inspired the heavenly charity of Howard. It was felt not only in Europe, but here in our own country. Nay, it still

continues, the scandal of this age and place, in the present jail of Boston!

In the effort to escape from this evil, persons with best intentions, but by a not unnatural error, rushed to the opposite extreme. It was proposed to *separate* prisoners from each other by a system of *absolute solitude*, without labor, books, or solace of any kind. This was actually done in Maine, New York, New Jersey, Virginia, and Pennsylvania. Without referring particularly to other States, I ask you to follow the course of things in Pennsylvania. In 1818 a law was passed authorizing the building of a penitentiary at Pittsburg "on the principle of solitary confinement of the convicts," and "provided always that the principle of the solitary confinement of the prisoners be preserved and maintained." In 1821 another law was passed authorizing the same at Philadelphia. Both of these prisons were conceived in a system of *solitude without labor*.

As such, they were justly obnoxious to criticism and censure. Thanks to the good men who interfered to arrest this design! Thanks to our Secretary, whose early energies were rightly directed to this end! The soul shrinks with horror from the cell of constant and unoccupied solitude, as repugnant to unceasing yearnings in the nature of man. The "leads" of Venice, the cruel cages of state prisoners, inspire us with indignation against that heartless republic. The terrors of the Bastile, whether revealed in the pictured page of Victor Hugo, or in the grave descriptions of dungeons where toads and rats made their home, contain nothing to fill us with such dread as the unbroken solitude which was the lot of many of its victims. Lafayette — whose own experience at Olmütz should not be for-

gotten — has furnished his testimony of its melancholy influence, as apparent in the condition of those who suddenly came forth, on the morning which dawned upon the destruction of that gloomy prison. Almost in our own time their sufferings have been revived in the Austrian dungeons of Spielberg; and Silvio Pellico has left to the literature of mankind the record of horrors filling the perpetual solitude of his cell, which he vainly strove to relieve by crying out to the iron bars of his window, to the hills in the distance, and to the birds which sported with freedom in the air.

A system of absolute solitude excludes every rational idea of health, improvement, or reformation. It is an engine of cruelty and tyranny kindred to the iron boot, the thumb-screw, the iron glove, and other terrible instruments of a vengeance-loving government. It hardens, abases, or overthrows the intellect and character. Such a punishment is justly rejected in a Christian age, learning to temper justice with mercy, and to regard the reformation of the offender among its essential aims.

Under the pressure of these arguments, in those States where this system had been adopted the subject was reconsidered. The discussion was affected materially by the opinions of two remarkable men, — William Roscoe, and Lafayette. The former is cherished as the elegant historian of Lorenzo de' Medici and Leo X.; though, perhaps, he should be more justly dear for those labors which crowned the close of his life, in the fields of humanity. Lafayette — on his visit, in 1825, to the country which had been the scene of his youthful devotion — was induced, by a letter from Roscoe, to interest himself in Prison Discipline. He did not surrender himself merely to the blandishments of that unparal-

leled triumph, — a more than royal progress, forming one of the most touching incidents in history, — when in advanced years he received the gratitude of the giant republic whose feeble infancy he had helped to cradle and protect. From his correspondence it appears that he strove, by conversation in Maine, New Hampshire, New York, and particularly in Pennsylvania, to influence public opinion on the subject of Prisons, and most especially against the system of *solitary confinement*, which he justly likened to the Bastile. His own opinions, and those of Roscoe, were widely circulated, and were quoted in official documents. Their precise influence it is impossible to calculate. The system so abhorrent to our feelings, after brief experiment, was discarded in those States where it had been in operation; and in New York, that of Auburn, consisting of solitude by night with labor in common by day, was confirmed, to the great joy of Roscoe, who feared that it might yield to that of absolute solitude, which had been tried there in 1822.

In Pennsylvania this important change took place previously to the occupation of the new penitentiary at Philadelphia. By a law bearing date April 23, 1829, it was expressly provided, that, after July 1, 1829, convicts should, "instead of the penitentiary punishments heretofore prescribed, be sentenced to *suffer punishment by* SEPARATE *or solitary confinement at* LABOR." It is further provided, that the warden "shall visit every cell and apartment, and see every prisoner under his care, at least once in every day," — that the overseers shall "inspect the condition of each prisoner at least three times in every day," — that "the physician shall visit every prisoner in the prison twice in every week"; and further

provision is made for "visitors," among whom are "the acting committee of the Philadelphia Society for the Alleviation of the Miseries of Public Prisons." Here is the first legislative declaration of what has since been called, at home and abroad, the *Pennsylvania System.* As administered there and elsewhere, it is found to have, in greater or less degree, the following elements: 1. Separation of the prisoners from each other; 2. Labor in the cell; 3. Exercise in the open air; 4. Visits; 5. Books; 6. Moral and religious instruction. Its fundamental doctrine, and only essential element, is *separation of prisoners from each other,* on which may be ingrafted solace of any kind needful to health of body or mind. In 1840, M. de Tocqueville, in his masterly report to the French Chamber of Deputies, recommending the adoption of this system throughout France, accorded to it these characteristics

In the history of this system, its origin is often referred to different places. It is sometimes said to have been first recognized at Rome by Clement XI., as long ago as 1703, in the foundation of a House of Refuge; and again it is said to have appeared some time during the last century in a prison of Holland, — also in one at Gloucester, in England; while it seems to be described with tolerable clearness in the preamble to the fifth section of an Act of Parliament drawn by Howard, in conjunction with Sir William Blackstone, as early as 1779. Whatever may be the claims of these different places, it is now admitted that this system was first reduced to permanent practice, on an extended scale, in Pennsylvania. Indeed, this State is hardly more known in Europe for shameful neglect to pay the interest of her public debt than for her admired system of Prison Discipline

Now, waiving for the present, as entirely irrelevant, the question whether this system can be practically administered so as to be consistent with health, all must admit that it is not the constant, unoccupied, cheerless solitude of the Bastile. Its main object is not solitude, but separation of prisoners from each other, and bringing them under good influences only.

In considering the Pennsylvania or Separate System, as now explained, several questions properly arise.

1. Shall it be applied before trial? Here the answer is prompt. It is the right of every person whom the law presumes innocent, as is the case with all before trial, to be kept free from the touch or contamination of those who may be felons. I well remember the indignation of the late William Ellery Channing at an incident which occurred in our streets, where a stranger who had fallen under suspicion, but who proved to be innocent, was marched from the jail handcuffed, in company with a hardened offender. He held it the duty of the State to prevent such outrage. The principle of justice and humanity which led him to his conclusion in this case requires the *absolute separation* of all prisoners before trial.

2. A more perplexing problem arises with regard to convicts for short terms. Here, it would seem, the principle of *absolute separation* ought to prevail.

3. It is a question of greater doubt how to treat juvenile offenders. When we observe the admirable success of the House of Reformation at South Boston, and of the Penal Colony at Mettray, in France, both conducted on the social principle, we may well hesitate; though, on the other hand, the marked success of the institution of La Roquette, at Paris, under peculiar dif-

ficulties, shows that the principle of *absolute separation* may be applied even to this class of offenders. Here certainly is a question worthy of consideration.

4. Shall the Separate System be applied in any case to women? The authority of Mrs. Fry, in England, who at first disapproved the system, but at the close of her valuable life approved it, even for her own sex, also that of Mademoiselle Josephine Mallet, in France, who has declared herself warmly for this system, entitle this question to careful attention.

5. And, lastly, shall the Separate System be applied to convicts for long terms? This is, indeed, the crucial question, involving statistics of health and insanity, and many other considerations, on which much light is shed by the experience of Europe, as well as our own country, and also by writings of eminent characters devoted to this subject. Here we may well hesitate, and open our minds to influences from all quarters.

The way is now prepared to consider whether our Society, in unfolding what may be called the science of Prison Discipline, has treated the Pennsylvania System, involving the several questions already stated, with candor and justice. The question is not whether this system is preferable in all cases to every other, or whether there is any other preferable to this, but simply, Has our Society been candid and just? An examination of its course furnishes an easy answer.

It appears that our Society has failed to make any discrimination with regard to the different classes of cases which I have set forth, indulging in one constant, sullen, undistinguishing, uncompromising opposition to the system in all cases, — so much so as to give occasion

for an eminent foreign writer to say that it had sworn against it "war to the knife." Early in its existence it gave its adhesion to the Auburn Prison, saying, "Here, then, is exhibited what Europe and America have been long waiting to see, — a prison which may be made a model for imitation." This adhesion was confirmed by the declaration of an officer of our Society, at a public anniversary in 1837, that the System of Auburn was "our system," and still more by a resolution of similar effect offered in 1838 by the Treasurer, who now opposes, not unnaturally, the efforts to release the Society from the bands he helped to tie.

I do not found complaint merely on the character of advocacy which our Reports have assumed, though it were well worthy of inquiry whether this is not improper in an association like ours. I go further. I wish to state distinctly, that, in the zeal of devotion to Auburn, and in the frenzy of hostility to Pennsylvania, we have been betrayed into a course which no candid mind can hesitate to regret. I will not dwell on language that fell from our Secretary at the anniversary of 1845, which was in part the occasion of the letter from President Wayland already read; nor am I able to review all our Reports. One will be enough. I confine myself to the Eighteenth Report, which appeared in 1843.

This Report has already been the subject of much remark here and elsewhere. A French writer of authority, M. Moreau-Christophe, Inspector-General of Prisons in France, has characterized it as "*a perversion of truth*";[1] while an English author has spoken of it in stronger terms. "With the nature of framing recurring documents connected with public institutions we are not un-

[1] Revue Pénitentiare, 1844, p. 421.

acquainted," says Mr. Adshead, "*and we believe a more flagrant instance of trickery has never come within the range of our experience.*"[1] I am unwilling to adopt this language; but I cannot forbear terming the Report uncandid and unjust. This I shall show; and I am especially moved to do so, since the Treasurer has undertaken to vindicate it, and to vouch for the accuracy of its quotations. I shall consider it under *six* different heads.

First. It adduces against the Pennsylvania System the failure of experiments in Maine, New York, New Jersey, and Virginia, on the principle of *absolute solitude without labor*, which, of course, were entirely inapplicable in the discussion of a system recognizing labor and many other solaces as essential parts of the system. Was this candid? Was it just?

Secondly. Here is a more pungent instance, though not more objectionable. The Report adduces the authority of Mr. George Combe against "the Pennsylvania System." The article or chapter on this point is entitled, in capitals, "DR. [MR.] COMBE'S OPINION OF THE PENNSYLVANIA SYSTEM." Under this head are extracts from his book of travels in America, where this eminent phrenological observer considers the character of this system. But will the Society believe that one at least of these extracts is garbled, so as not to express his true and full opinion of the system? The Eighteenth Report quotes from Combe as follows:—

"The Auburn system of social labor is better, in my opinion, than that of Pennsylvania, in so far as it allows of a little more stimulus to the social faculties, and does not weaken the nervous system to so great an extent."[2]

[1] Prisons and Prisoners, p. 128.

[2] Eighteenth Annual Report of the Prison Discipline Society, p. 26.

The sentence in Combe is as follows: —

"The Auburn system of social labor is better, in my opinion, than that of Pennsylvania, in so far as it allows of a little more stimulus to the social faculties, and does not weaken the nervous system to so great an extent; *but it has no superiority in regard to providing efficient means for invigorating and training the moral and intellectual faculties.*" [1]

Thus does our Report, while pretending to give Combe's "Opinion of the Pennsylvania System," stop at a semicolon, and omit the latter branch of a sentence, where the opinion is *favorable* to the system. And yet the Treasurer vouches for the accuracy of this quotation. "I think I can read English," he says, "and I think the extract from Combe properly made."

Mr. ELIOT here rose and said, "I did not mean to vouch for the verbal accuracy of the quotation, but that it gave the substance of Mr. Combe's opinion, which was against the Pennsylvania System."

Mr. SUMNER. The Treasurer, then, relies upon Mr. Combe's authority as adverse to the Pennsylvania System. I hold in my hand a letter from that gentleman, dated Edinburgh, March 24, 1847, addressed to the author of the Minority Report to this Society [Dr. HOWE], since published as an essay, and which has been characterized in this debate as an uncompromising plea for that system. In this letter Mr. Combe says: —

"I have read every word of your Prison Essay with attention, and do not perceive any difference of principle between your views and mine. Your Essay is a special pleading in favor of the Pennsylvania System; but I do not object to it

[1] Notes on the United States, Vol. I. p. 224.

on this account. Such a pleading was called for in the circumstances mentioned in your preface; it was the thing needed to make an impression; and while it states strongly and eloquently the advantages of the Separate System, it does not conceal, although it does not dwell upon, its defects."

And yet Mr. Combe is pressed by our Report, and now by our Treasurer, in opposition to this system; and the work is aided by publishing a truncated sentence, and entitling it *his opinion.*

Thirdly. We have already observed the timely opposition of William Roscoe to the system of *solitude without labor*, which promised to prevail extensively in the United States. From his publication on this subject, in 1827, our Eighteenth Report, in 1843, draws forth a passage, and entitles it, in capitals, "MR. ROSCOE'S OPINION OF THE PENNSYLVANIA SYSTEM." I will give the whole article or chapter. It is as follows.

"MR. ROSCOE'S OPINION OF THE PENNSYLVANIA SYSTEM.

"Mr. Roscoe, of Liverpool, said, before the new Penitentiary was built, —

"'At Philadelphia, as has before been observed, it is intended to adopt the plan of "solitary confinement in all cases," "*the duration of the punishment to be fixed*," and "*the whole term of the sentence to be exacted*," except in cases where it shall be made to appear, to the satisfaction of the governor, that the party convicted was innocent of the charge.

"'By the establishment of a general system of solitary confinement, a greater number of individuals, imprisoned for *minor offences, will probably be put to death*, by the superinduction of diseases inseparable from such a mode of treatment, than will be executed through the whole State, for the *perpetration of the most atrocious crimes;* with this remark-

able difference, that the law has provided for the heinous offender a brief, and perhaps an unconscious fate, whilst the solitary victim passes through every variety of misery, and terminates his days by an *accumulation of sufferings which human nature can no longer bear.*' "[1]

With regard to this several things are to be observed. 1. It sets forth, as Mr. Roscoe's opinion of the Pennsylvania System, what, in fact, was not his opinion of that system, but of another system, that of *solitude without labor*, and was written two years before the Pennsylvania System came into existence, — misapplying his opinion, and therefore misrepresenting it. 2. It withholds or suppresses the date of the extract, and the source whence it is drawn. In point of fact, it was written before the new penitentiary was built; but it is nevertheless entitled " Mr. Roscoe's Opinion of the Pennsylvania System," so that the reader unfamiliar with the subject would suppose it in reality his opinion of that system. 3. It omits an important passage after the word " charge," without any asterisks or other mark denoting omission, — which, if printed, would have shown conclusively that Roscoe's remarks did not apply to the existing Pennsylvania System, but to a system of absolute solitude, without solace of any kind. Is it not proper, then, to say that this passage is garbled? And yet the Treasurer's voucher for the accuracy of the quotations extends to this also.

Fourthly. The opinions of Lafayette receive similar treatment to those of Roscoe; though this case is still stronger against that most discreditable Eighteenth Report. The article or chapter in which this is done is as follows.

[1] Eighteenth Annual Report of the Prison Discipline Society, p. 95.

"GEN. LAFAYETTE'S OPINION OF THE PENNSYLVANIA SYSTEM.

"'As to Philadelphia,' says the General, in a letter to Mr. Roscoe, 'I had already, on my visit of the last year, expressed my regret that the great expenses of the new Penitentiary building had been chiefly calculated on the plan of solitary confinement. This matter has lately become an object of discussion; a copy of your letter, and my own observations, have been requested; and as both opinions are actuated by equally honest and good feelings, as solitary confinement has never been considered but with a view to reformation, I believe our ideas will have their weight with men who have been discouraged by late failures of success in the reformation plan. It seems to me, two of the inconveniences most complained of might be obviated, in making use of the solitary cells to separate the prisoners at night, and multiplying the rooms of common labor, so as to reduce the number of each room to what it was when the population was less dense, — an arrangement which would enable the managers to keep distinctions among the men to be reclaimed, according to the state of their morals, and their behavior.' 'In these sentiments,' says Mr. Roscoe, 'I have the pleasure most fully to concur; and I hold it to be impossible to give a more clear, correct, and impartial decision on the subject.'

"'The people of Pennsylvania think,' said Lafayette, 'that the system of solitary confinement is a new idea, a new discovery. Not so; — it is only the revival of the system of the Bastile. The State of Pennsylvania, which has given to the world an example of humanity, and whose code of philanthropy has been quoted and canvassed by all Europe, is now about to proclaim to the world the inefficacy of the system, and to revive and restore the cruel code of the most barbarous and unenlightened age. I hope my friends of Pennsylvania will consider the effect this system had on the

poor prisoners of the Bastile. I repaired to the scene,' said he, 'on the second day of the demolition, and found that all the prisoners had been deranged by their solitary confinement, except one. He had been a prisoner twenty-five years, and was led forth during the height of the tumultuous riot of the people, whilst engaged in tearing down the building. He looked around with amazement, for he had seen nobody for that space of time, and before night he was so much affected, that he became a confirmed maniac, from which situation he has never [never was] recovered.'"[1]

With regard to this, also, several things are to be observed. 1. It invokes the authority of Lafayette against the Pennsylvania System, and quotes as his *opinion* of that system words used with regard to *solitude without labor*, as in the Bastile. In fact, Lafayette never condemned what in 1843 was known as the Pennsylvania System, nor ever expressed any opinion impugning it in any degree. His family are at this moment among its warmest advocates in France. 2. It withholds or suppresses the date of the extract, and the source whence it is drawn, and does not in any way disclose to the uninformed reader that it was actually written before the origin of the Pennsylvania System. 3. The extract purports to be from a letter of Lafayette to Roscoe; whereas this is true only of the first paragraph. The second is from an anonymous letter from Paris, in the "National Intelligencer" of November 17, 1826, where the writer relates a conversation with Lafayette concerning the prison then building in Philadelphia, in which it was proposed to introduce *solitude without labor*. 4. After the words "unenlightened age," in the very heart of this extract, an important passage is omitted, — with-

[1] Eighteenth Annual Report of the Prison Discipline Society, pp. 95, 96.

out asterisks or other mark denoting omission, — which, if inserted, would have shown conclusively that Lafayette's opinion was directed to a system of solitude, "without the least employment, and without the use of books." May it not be said justly, that the opinions of Lafayette are misrepresented and garbled?

Fifthly. Here I can only glance at a matter to which I alluded on a former occasion. Our Eighteenth Report sets forth at length disparaging pictures by Mr. Dickens of the Pennsylvania System, while it makes no mention of opinions by Captain Hamilton (the accomplished author of "Cyril Thornton"), Miss Martineau, Dr. Reed, Dr. Matheson, Dr. F. A. Cox, Dr. Hoby, Captain Marryat, Mr. Buckingham, and Mr. Abdy, all of whom have expressed themselves with more or less distinctness in favor of that system. Nor does it make any allusion to authoritative opinions by different commissioners from foreign governments: as Crawford, from England, in 1834; Demetz and Blouet, from France, in 1837; Pringle, from England, in 1838; Julius, from Prussia, in 1836; and Neilson and Mondelet, from the Canadian government, in 1836, — all of whom reported emphatically in favor of the Pennsylvania System. Surely it was not candid and just to neglect all that these travellers and commissioners had reported, while bringing forward the imaginings of Mr. Dickens, and unearthing dateless letters of Roscoe and Lafayette, to employ them in a cause for which they were never written.

Sixthly. Our Eighteenth Report is open to another objection, either of gross ignorance or most uncandid withholding of information. It employs these words, which appear remarkable when we consider the actual facts: "*What will be done in other countries is evidently*

suspended, in a great degree, on the results of more experience in regard to the effects of the system." Nothing more is said of what had been done in other countries, and the reader is left to infer that *nothing* had been done. This was in May, 1843. Now what, *at that time,* had been done in other countries?

In England the inspectors of public prisons had made two or more able and extensive reports in favor of the Separate System, where the principles on which it is founded are developed with fulness and clearness. Parliament had passed a law authorizing the creation of a model prison on this system at Pentonville. This had been built, and also other prisons on the same system in different parts of the kingdom.

Mr. DWIGHT. Will the gentleman please to state the difference between the prisons at Philadelphia and Pentonville?

Mr. SUMNER. With great pleasure, so far as any exists. The two are founded on the same principle of *separation,* though that of Pentonville is probably administered with less austerity than that of Philadelphia. They may differ in degree, but not in kind.

I return to a review of what had been done in 1843, when I was interrupted.

In France the subject had undergone most thorough discussion, in journals, in pamphlets, among professional men, and in official documents. The Government and the highest authorities in state and in medicine had declared in favor of the Separate System. Their conclusions were founded on ample inquiries by commissions visiting America, England, Scotland, Holland, Bel-

gium, Switzerland, Italy, Germany, Prussia, Spain, and even Turkey. In 1836, Count Gasparin, Minister of the Interior, wrote a circular informing the prefects of the departments that the Government had decided to adopt exclusively the Separate System in the *maisons d'arrêt*, or what may be called the county jails. In 1839 the grave question of the influence of this system on health, bodily and mental, was submitted to the highest living authority, the Academy of Medicine, who referred it to a committee consisting of MM. Pariset, Moré, Villermé, Louis, and Esquirol. Their report, drawn up by the last named distinguished authority, expressly declared that "separate imprisonment by day and night, with labor, and conversation with the overseers and inspectors, does not abridge the life of the prisoners, nor compromise their reason." This report afterwards received the sanction of the learned body to which it was addressed. In 1840, M. Rémusat, Minister of the Interior, submitted the project of a law for the building of prisons on the principle of *separation*. This was sustained by a masterly report from M. de Tocqueville, dated June 25, 1840. It was followed in 1841 by another circular from the Home Department, communicating an atlas of plans to the departments as their guide in building prisons. I hold one of them in my hand now.

Mr. DWIGHT, looking at the atlas, said, "The cells here are on a circumference, whereas in Philadelphia they are on radii."

Mr. SUMNER. In some of the plans the cells are on a circumference, and in some on radii. Does this make any difference in the system ?

I will proceed. In 1843, 17th April, Count Duchatel, in behalf of the Government, introduced a bill providing for the extension of the principle of *separation* to all the *maisons de force* throughout France. It was calculated that this could not be carried into execution at an expense less than one hundred and seven millions of francs, or nearly twenty millions of dollars. At the same time it appeared that the extensive prison La Roquette, in Paris, had been for several years in most successful operation. Still further, in 1843, it was stated by M. de Tocqueville, that, since 1838, *thirty* prisons, containing two thousand seven hundred and forty cells on the Separate System, had been built, or were in an advanced state of building, in the departments of France. Yet nothing of all this is in our Report.

In Poland, it appears that a prison on the Separate System was commenced as long ago as 1831, and has been in successful operation since 1835, while in 1843 appropriations were made to build three more. Nothing of this appears in our Report.

In Denmark, after an elaborate report from a committee, a royal ordinance declared, in 1841, that "all houses of detention to be built for the accused shall be on the Separate System, and that all new constructions or reconstructions which the old prisons shall require shall be on this system, to prepare for its general adoption." Again, another ordinance followed, June 25, 1842, on the report of a commission that had visited England, directing the building of certain prisons on this system. Our Report contains nothing of this.

Look at Norway. In 1838 a commission from this region was sent to visit the principal prisons in England, Ireland, Belgium, France, Switzerland, Germany, and

Denmark. Its report was made in 1841. "Its unanimous and *absolute* advice was, to demand the introduction into the prisons of Norway of the Pennsylvania System." Here again our Report is silent.

In Sweden, the States General declared, in 1841, that the Separate System was the most rational, and voted 1,300,000 florins for the construction of new prisons on this system. Already before this time, the present King of Sweden, then Crown Prince, had secured a new honor for his throne by writing a book on prisons, where he compared the Auburn and Pennsylvania Systems, and gave his preference to the latter. Of this our Report says not a word.

Here, as I refer to this royal author, let me pause to offer him my tribute of gratitude. His work, originally written in Swedish, has been already twice translated into German, twice into French, once into Norwegian, and once into English. It deserves to be translated into every language of the globe. Such words from a throne find no parallel in history. All the productions from the eighteen royal authors of England, and the five of Scotland, mentioned in Walpole's Catalogue, could not confer the same true honor as these few pages. Not the "prettie versse" of Henry the Sixth; not the volume of Henry the Eighth, which has secured to his royal successors the unchangeable title of "Defender of the Faith"; not the "Counterblast to Tobacco," and other writings, teeming with pun, pedantry, vanity, Scripture, and prerogative, of James the First; not the ballads, songs, rondeaus, and poems of the four Jameses of Scotland. A work on "Punishments and Prisons" by a king, written in a spirit of simplicity and gentleness, with sympathy for the poor, the hum-

ble, the sinful, teaches us to appreciate forms of grandeur higher than any in the ordinary pursuits of royal ambition. Oscar is the son of Bernadotte, a marshal of the French Empire, and elected king of Sweden; but — pardon me while I speak what my heart feels — the author of this little book of humanity and wisdom inspires a warmer glow of admiration than the commander of the centre in the victory of Austerlitz, or of the timely succors that hurried the close of the giant struggle at Leipzig. He sits on a throne illustrated by two of the greatest sovereigns in modern Europe; but his is a truer glory than that of Gustavus Vasa in the mines of Dalecarlia, or of Gustavus Adolphus on the field of Lutzen.

In Holland, the penal code established in 1840, as the basis of prison discipline, separation by night and labor in common by day. "But they were not slow to recognize the insufficiency of this," says one of the eminent authorities. Wherefore the States General ordered the system of separate imprisonment, as practised at Philadelphia, with the modifications which excluded *solitude*, separating the prisoners from each other, and securing communication with good people. In the States General there was only *one voice* against this system. Again is our Report silent.

And lastly, at Geneva, in Switzerland, a plan of a prison on the Separate System was adopted in 1842. I have here the atlas containing a full representation of this prison in all its parts. But of this, too, our Report says nothing.

In view of all these things, is it not humiliating that our Society should have put forth the statement it did with regard to "other countries"? Most certainly, if

the authors of the Eighteenth Report were ignorant of the extensive adoption in Europe of the Pennsylvania System, their ignorance was reprehensible, and not to be vindicated by the apology of the Secretary, that he could not read French. If uncandidly they withheld or suppressed this information, as I cannot suppose, they are equally reprehensible.

Such is the Eighteenth Report of our Society! And yet this document, seamed and botched with error and uncandid statement, injuriously affecting the Pennsylvania System, was sent by our Society, as I have been credibly informed, to every member of the Legislature of that State. Surely we need not wonder that the humane and upright gentlemen connected with the administration of prisons there felt that we had done them wrong.

II.

I NOW come to the second proposition in the Report and Resolutions under consideration; and here I shall be brief. It is proposed that we shall recognize the directors of the Eastern Penitentiary of Pennsylvania as sincere fellow-laborers in the cause of Prison Discipline, and shall declare, that, *if* expressions have appeared in our Reports, or been uttered at any of our public meetings, which have justly given pain to our brethren, our Society sincerely regrets them. Is not this a proper and most Christian resolution? What candid or generous mind can hesitate with regard to it, particularly after becoming acquainted with the course of our Society towards those gentlemen and the system they have administered? But here again we encounter

the Treasurer, the Achilles of this debate, according to the description of that martial character by Horace, —

"Impiger, iracundus, inexorabilis, acer."

The Treasurer, with passionate emphasis, objects to any expressions of confidence in the gentlemen of Philadelphia. He is not personally acquainted with all of them. He is conscientious on the point. He will not commit our tender Society by any such extravagant declaration. To be sure, he made no opposition, when our association passed a formal vote in its own favor, declaring nothing less than that it was "entitled to the thanks of every friend of humanity for its successful efforts in the cause of Prison Discipline."[1] It was all right for us to praise ourselves; but the Treasurer cannot praise the gentlemen of Philadelphia. He never objected to any of the hard words we have employed with regard to them and their system. It is those soft words, turning away wrath, which disturb his propriety.

Then, again, he dislikes what he calls an hypothetical apology. He is startled by the *if*. He cannot say, "*If* I have uttered words which have justly given pain to my brother, I sincerely regret it." There is too much for him in that *if*. It is no better than *but yet* in Shakespeare, which was

"as a gaoler to bring forth
Some monstrous malefactor."

True to its vocation, this little word brings before the Treasurer a monstrous proposition, which he cannot receive. No, — he will have nothing to do with it. But his sudden sensitiveness with regard to the course of the Society should not prevent us from performing a simple duty.

[1] Annual Meeting, May 30, 1837: Twelfth Report.

III.

THE third and last proposition involved in the Report and Resolutions is, that our Society, by its officers and individual members, ought to strive for increased usefulness; and it is particularly urged upon the Managers to enlist the coöperation of individual members. This, too, is opposed violently, as if it were not the duty of all to seek new opportunities of doing good. The Treasurer, of course, is ardent. He does not ask the coöperation of others. It is the policy of the Society, he says, to act by one mind only.

Look at our grandiose organization. We have a President with forty Vice-Presidents, — or, borrowing an illustration from Turkey, "a pacha with forty tails." Then we have a large body of foreign correspondents, whose names we print in capitals, — "fancy men," as they have been called, because they are for show, I suppose, like our Vice-Presidents. Then there are scores of Directors, and a Board of Managers. Now I know full well, that, of these, very few interest themselves so much in our Society as to attend its sessions. At the meeting last year for the choice of officers there were *ten* present. We *ten* chose the whole array of Vice-Presidents and all. And then, too, the Secretary politely furnished us printed tickets bearing their names and his own. Certainly, Sir, something should be done to mend this matter. We must cease to have so many officers, or they must participate actively in the duties of the Society.

Look now at our annual income. Notwithstanding the special pleading of the Treasurer, I must insist that this is upwards of $3,000, derived partly from interest

on our capital stock of $7,000, and the remainder from subscriptions obtained through the solicitations of the Secretary.

Mr. DWIGHT. But this is not a permanent income. It is derived from the charity of Boston.

Mr. SUMNER. And is not the charity of Boston permanent? I have stated facts precisely as they are. Now it becomes a society so richly endowed to do much for the cause to which it professes devotion. It should make itself felt widely, not only in our own State, but wherever Prison Discipline claims attention.

But what does it accomplish? On looking at its journal for the last three years, it appears that the chief business of the Managers, who have met some three or four times in the year only, has been to vote a salary of seventeen hundred dollars to the Secretary, with fuel and rent for his office sometimes, and also to vote him a vacation of four months in the country during our pleasant summers. This, certainly, so far as the Managers are concerned, is not doing much for Prison Discipline. But the Managers are responsible for the Annual Reports of the Society. I think it may be safely said, that, for several years, our Society has done little besides publishing these Reports. Its annual income and the labors of its official galaxy are all absorbed in these. I would not disparage these documents; but, professing, as I do, some familiarity with the kind of labor required in their preparation, I cannot forbear repeating what I have said before, that, if we take our last Report for an example, one month would be a large allowance of time for its production by any one competent man. But the

Treasurer says our Society has devised a plan for a new jail in Boston, which of itself is no inconsiderable labor, — and the Treasurer praises this plan. My own judgment with regard to it is of very little consequence; but I have here a letter from Dr. Julius, of Prussia, one of the highest living authorities on the subject, — to whom the plan has been shown, — who expresses an opinion different from that of the Treasurer.

Certainly, Sir, our Society must do more. It becomes us to imitate sister associations in Philadelphia and New York, whose incomes are less than ours, and whose array of organization is not so imposing, but who, by committees and sub-committees, and committees of ladies too, make their beneficence practically felt by those who are in prison, while by their influence they widely affect public opinion. It becomes us also to imitate the Board of Education in our own Commonwealth, which not only publishes an Annual Report, but by its Secretary makes annual visits to every part of the State, and by lectures and speeches, by the glowing pen and the living voice, arouses the indifferent and confirms the wavering. I trust soon to hear of lectures on Prison Discipline, and of local societies under our auspices in every county of the State.

Ours is a large and powerful organization, abounding in resources of all kinds, plenteously supplied by never-failing streams of charity. We must administer it in the spirit of charity, that we may promote the greatest good of those who are its objects. The contributions of which we are almoners should not run to waste. All must join in effort to give them the widest influence. All must help place our Society in cordial fellowship with other laborers in the same pursuits.

Let me ask you, Mr. President, to unite with your honored predecessor [Rev. Dr. WAYLAND] in promoting these worthy objects. Commence your new duties by guiding us in a path where we may find that universal confidence now somewhat forfeited, and where the blessings of those in prison, who have felt our kindness, may be ours.

I believe I might leave the Report and Resolutions here, feeling that they stand on impregnable ground. But there are two objections, each brought by different speakers, which I have reserved to the close: one founded on the private character of the Secretary of our Society; the other, on the alleged superiority of the Congregate System over the Separate System.

In interposing the private character of the Secretary, a new issue is presented, entirely immaterial to the question on the adoption of the Resolutions. This is discerned merely by repeating the grounds of these. *First*, our Society ought to be candid and just; *secondly*, it should offer a hand of fellowship to our brethren in Philadelphia; *thirdly*, it should be more useful. These propositions are not answered, when we declare, in eloquent phrase, that the private character of the Secretary is good. I, too, give my homage to his private character. I have never failed to render my tribute to his early merit in founding and organizing this Society; nor in this discussion, painful as it has been, and calling for severe criticism of matters with which he is intimately connected, have I made any impeachment of the motives by which his course is controlled. It is my earnest desire, that the Society, under his auspices, may be more widely felt, and develop new capacities for useful-

The other remaining objection is, that the Congregate System is superior to the Separate System, and that the acceptance of the Report and Resolutions will be giving adhesion to the latter. This conclusion is not correct. Your Committee ask for candor and justice; they do not ask for adhesion to any system. On the contrary, they expressly disclaim such desire. But it may well be asked — and I allude to this point not because I regard it as material to the issue — whether *experience* does conclusively establish the superiority of the Congregate System. My learned friend [Mr. GRAY] who first introduced this topic founds his conclusion mainly on a comparison of the prisons at Philadelphia and Charlestown, where the statistics are said to show a much larger proportion of mortality and insanity in the former than in the latter. Admitting that the statistics adduced are accurate (and I do not propose to question them), it is very hasty in my friend to adopt his conclusion with regard to the comparative merits of the two systems. In the first place, the limited experience of these prisons, or any small number of prisons, may be affected by circumstances irrespective of the two systems, — as, for instance, their administration, which may be more or less defective. And permit me to say, that the argument of my friend seems rather to show a defect in the administration of the system at Philadelphia than in the system itself. The system has but *one essential idea*, the absolute separation of prisoners from each other. But it is said that this cannot be practically carried out, consistently with health of body and mind. It may be so. But here the highest authorities have affirmed the opposite. The College of Medicine in France, and the Scientific Congress at Padua in 1843, and

of Lucca in 1844, pronounce it practicable. But my friend urges, that each prisoner should be indulged with at least two hours of society daily, and that this is impracticable. I doubt if so much is requisite. But if this and much more be needed, to secure for our prisons those influences most conducive to the reformation of offenders, will it not be found? There are Christian clergymen who find time to bless with their presence, with prayers and texts, the gaudy celebrations of military companies; there are young men who partake of these pomps. Cannot as many be found who will visit those in prison?

In the next place, the conclusion is fallacious, as it is founded on a comparison of prisons in different places, under the influence of different circumstances of climate and situation; whereas, to render the comparison exact, it should be between prisons in the same place, and under the same circumstances. This I am enabled to make. There are now at Geneva two prisons, one on the Auburn System, built in 1825, and the other on the Pennsylvania System, built in 1843. M. Ferrière, the chaplain of both these prisons, — and therefore, it must be supposed, equally conversant with both, — presented to the Penitentiary Congress at Frankfort a comparison between these two, which he states to be in the same locality, with a unity of conditions in all respects, except what touches the system itself. He gives the preference in every particular to the Pennsylvania prison, and expressly declares that there are always persons in the Auburn prison who are insane, while, down to the present time, there have been none in the other prison.

Lastly, the conclusion of my friend is fallacious, inasmuch as it is founded on a too narrow induction, closing

his eyes to the experience of Europe. There is the prison of Warsaw, on the Separate System, which has been in operation since 1835. During the twelve years since its occupation there have been only two cases of mental alienation, one of which declared itself on the morning after the arrest, and the other was caused by too hasty treatment of the *plica*. In France, as we learn from an address before the Penitentiary Congress, there are nineteen prisons on the Separate System, which have been *occupied* since 1843. "The experience," it is said, "is not of long duration, but it is sufficient to assure the spirits of the most fearful. The most harmonious unanimity prevails in the observations of the physicians. All recognize that maladies are less frequent, and shorter in duration. It is the same with mental alienation, in the period of one to four years to which the observations relate. No cause of insanity is attributed by the physicians to the Separate System, as it is practised in France, with frequent visits, labor, and an hour at least of exercise in the open air." In England there are at this moment *thirty* prisons on the Separate System, with thirty-five hundred cells, which are so successful in their influences that upwards of three thousand additional cells are to be constructed. On the Continent there are many directors of Auburn prisons who have become dissatisfied with their operation, and openly pronounce in favor of the Pennsylvania System. I might dwell on the experience of Europe till the chimes of midnight sounded in our ears; but I forbear. I cannot dismiss this topic, however, without alluding to one suggestion, which came in such a questionable shape that I am at a loss how to treat it.

The sentiment of patriotism is invoked, and we are gravely told that the reference to European authority and experience which has occurred in this debate is not consistent with a proper regard to our own country. It is natural, Sir, for us to love our country, and to take pride in its institutions. Whatever is done among us finds special favor, if it be associated in any way with our country. But this sentiment must not become a prejudice. It must not become a malign influence to interrupt the course of truth, or interfere with questions to which it is alien. The subject now before us belongs to science and philanthropy, and I have yet to learn that the prejudices of patriotism have any just foothold in these sacred demesnes. Let us welcome knowledge, wherever it may be found. Hail holy light! from whatever sun or star it may pour upon the eyes, from whatever country or clime it may penetrate the understanding or the heart!

Again let me say that our Report and Resolutions stand on impregnable grounds. And now, Mr. President, as I conclude, let me render to you just thanks for the impartiality and amenity with which you have presided over these debates, and may these high qualities be reflected in the future course of our Society. Let us all unite in efforts for increased usefulness, in harmony with one another, and with kindred associations of our own country and of other lands. And if, from the collisions of this discussion there have been any sparks of unkindly feeling, may they all be quenched in the vote which is now to be taken.

NOTE.

The result of these debates called forth the following letter from M. de Tocqueville, of France, addressed to Mr. Sumner.

[TRANSLATION.]

My dear Sir, — I have read in the Daily Advertiser of June 1st the account of a meeting of the Boston Prison Discipline Society, in which you proposed a resolution, the effect of which was to declare that this Society ought not to be considered "the pledged advocate" of the Auburn System, or of any other system, and that it should judge all systems without taking sides in advance, and without prejudice. I have since learned, by the same paper, that the Society refused to adopt the resolution. This vote has surprised and pained me. I take a very lively interest in the reform of prisons, and I have always cherished a respectful attachment for the Society, which has, of its own accord, done me the honor to make me one of its members, and which enjoys so just a reputation in the philanthropic world. It is under the influence of these two sentiments that I feel an impulse to write to you.

The vote of which I have spoken will cause, I do not fear to say, a painful surprise to almost all those in Europe who are devoted to the Prison question. They will interpret it as a solemn determination taken by the Society to make itself the champion of the Auburn System, and the systematic adversary of the Separate System. Instead of a judge, it will seem to become a party.

I need not inform you, that, at the present day, in Europe, discussion and experience have, on the contrary, led almost all persons of intelligence to adopt the Separate System, and to reject the Auburn System. Most of the governments of

the Old World have declared themselves more or less in this way, not hastily, but after serious inquiry and long debates. I will speak only of the two great free nations of Europe, — those which I know the best, and which are the most worthy of being regarded as an authority, wherever questions are decided only after discussion before the country, and obedience is rendered to public opinion alone, — France and England. Among these two nations, I can assure you, the Auburn System is almost universally rejected. The greater part of those who had previously inclined towards this system have completely abandoned it, when they came to discuss it, or to see it in operation, and have adopted, wholly or in part, the system of Separate Imprisonment. The two governments have followed the same tendencies. You know that the French government brought forward, a few years since, a law, of which separate imprisonment formed the basis. This law after a discussion of five weeks, the longest and most thorough which has ever taken place in our parliament on any question, was voted by an *immense majority*. If this same law has not yet been discussed in the Chamber of Peers, the reason is to be found in circumstances entirely foreign to the Penitentiary Question. The Chamber of Peers will take it into consideration at the opening of the approaching session; and among the most considerable men in this Chamber, the greater part have already pronounced openly in favor of its principle. As to the press, almost all the journals sustain the system of Separate Imprisonment. The journal which had most skilfully and earnestly combated the system has recently declared itself convinced of its excellence. This change has been produced, in part, by the experience had for many years in a large number of our prisons. Indeed, it may be doubted, whether, when the law shall be reported to the Chamber of Peers, there will be found a single person to combat its *principle*.

In this state of facts and opinions, the vote which a so-

ciety so enlightened and celebrated as that of Boston has just passed will not be comprehended among us; and I cannot, I confess to you, prevent myself from fearing that it will be injurious to the high consideration which the Society enjoys on this side of the ocean, or that, at least, it will weaken its authority. I should strongly regret this, not only from my interest in an association to which I have the honor to belong, but also from my interest in humanity, whose cause it can so powerfully serve.

Be pleased to receive, Sir, the assurance of my very distinguished consideration.

ALEXIS DE TOCQUEVILLE,
Member of the Institute and of the Chamber of Deputies.

TOCQUEVILLE, August 6, 1847.

CHARLES SUMNER, Esq., Boston.

THE LATE JOSEPH LEWIS STACKPOLE, ESQ.

ARTICLE IN THE BOSTON DAILY ADVERTISER,
JULY 23, 1847.

THE sudden death of Mr. Stackpole has filled a large circle of friends with poignant grief. His hale and vigorous health, of which a fresh and manly countenance and a joyous nature were pleasing tokens, seemed to give assurance that he would long be spared to them, while the many accomplishments by which his life was adorned, and the kindly qualities which grappled him to their hearts, created attachments now too rudely severed. He had stood aloof from public affairs, and from those concerns of business by which men become prominent before the world. The time thus withdrawn from customary pursuits was given to family and friends, and to the cultivation of those elegant tastes which add so much to the grace of society.

He was a graduate of Harvard University in the class of 1824, and afterwards studied law. His studies were careful and thorough. His attainments were increased by travel in Europe. As a member of the Examining Committee on Modern Languages at the University, he made his excellent knowledge, particularly of French, useful to the community. Had his professional studies been continued, there is reason to believe, that, in some departments, he would have contributed in no humble measure to the true fame of his country. An article

in the "American Jurist,"[1] entitled "Customs and Origin of Customary Law," written by Mr. Stackpole while still very young, drew the attention of learned men in Europe, as much, perhaps, as was ever done by any paper of mere jurisprudence from our country. It was the subject of comment by the late Professor Park, at King's College, in one of his public lectures, who read extracts from it to his classes, and it was republished in one of the English law journals. This was at a time when American productions found little favor from the mother country. Story and Kent had not then compelled recognition of American law within the precincts of Westminster Hall. This article will be read with interest by students of jurisprudence and history, while it must always possess peculiar attraction, as the early offering of ingenuous youth to a stern profession ardently espoused. Perhaps nothing ever appeared in our country, from one equally young, evincing a finer juridical spirit.

Mr. Stackpole has been removed from strongest family ties, from a large cluster of friends, from enjoyments richly spread by competency and taste, and from opportunities of usefulness which were before him in ample fields, while his sun of life was still high and glowing in the heavens. He has passed away as a shadow. Let us clasp and hold fast the memory of his virtues.

[1] July, 1830, Vol. IV. pp. 28–63.

END OF VOLUME I.

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